



W.P.(MD)No.2882 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.2882 of 2023

and

W.M.P.(MD)Nos.2665, 2669 and 2670 of 2023

V.Vivek

... Petitioner

Vs.

1. The Member Secretary,
Tamil Nadu Uniformed Services,
Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road,
Egmore,
Chennai - 600 008.
 2. The Chairman / Sub Committee,
Tamil Nadu Uniformed Services Recruitment Board,
Egmore,
Chennai - 600 008.
 3. The Superintendent of Police / Sub Committee Chairman,
Thoothukudi District.
- ... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned disqualification slip dated 07.02.2023 issued by the third respondent to the petitioner and to quash the same as illegal and consequently, to direct the respondents to re-measure the chest of the petitioner and also to permit the petitioner to participate in the physical endurance test and other recruitment process in the common recruitment to the post of Grade-II Police Constable, Grade-II Jail Warden, Firemen-2022.

For Petitioner : Mr.R.Maheswaran

For Respondents : Mr.Veerakathiravan
Additional Advocate General
Assisted by Mr.S.P.Maharajan
Special Government Pleader

O R D E R

This Writ Petition has been filed to call for the records relating to the impugned disqualification slip dated 07.02.2023 issued by the third respondent to the petitioner, quash the same as illegal and consequently, direct the respondents to re-measure the chest of the petitioner and permit the petitioner to participate in the physical endurance test and other recruitment process in the common recruitment to the post of Grade-II



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Police Constable, Grade-II Jail Warden, Firemen-2022 so as to enable the petitioner to get appointment in the above recruitment.

2. The learned counsel appearing for the petitioner would submit that the petitioner participated in the combined recruitment to the posts of Grade-II Police Constable, Grade-II Jail Warden, Fireman 2022. The petitioner possessed all the required qualifications and he applied for the aforesaid posts with an aim to get appointment in the respondent's Department. After scrutinizing the application made by the petitioner, the respondents issued admission card for the written examination, which was held on 27.11.2022. The petitioner was successful in the written examination and thereafter, the physical measurement test was conducted on 07.02.2023. The selection is under four categories, namely, (i) certificate verification, (ii) physical measurement test, (iii) physical efficiency test and (iv) efficiency test. The petitioner has also participated in the aforesaid physical measurement test on the above said date. As per selection notification, the qualified chest measurement is prescribed as 81 cm – Normal and Expansion 5 cm. Though the petitioner is having the prescribed



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chest measurement, the third respondent initially measured the chest measurement of the petitioner as 92 cm (Normal) and 94.5 cm (Expansion). Against which, the petitioner preferred an appeal before the appellate authority on the same day. However, the re-measurement was not done properly and they measured again as 93 cm (normal) and 96 cm (expansion) and the petitioner was issued with disqualification slip, dated 07.02.2023, which is not sustainable one and hence, prays for allowing of this Writ Petition.

3. Per contra, the learned Additional Advocate General appearing for the respondents would submit that qualified/prescribed chest measurement is 81 cm in Normal and in expanded form 81+5 cms. ie., 86 cms. However, the petitioner's chest measurement shows 92 cm (normal) and 94.5 cm (expansion). The petitioner requested for re-measurement and they measured again, which measurement is 93 cm (normal) and 96 cm (expansion). It is to be seen that when the petitioner's chest measurement is 93 in normal position, in the expanded form, the measurement would be 98, ie., 93+5. However, the petitioner did not possess 98 cms in the expanded



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form and hence, rightly disqualification slip was issued to the petitioner and there is no irregularity or illegality in issuing the disqualification slip and hence, prays for dismissal of this Writ Petition.

4. Heard the learned counsel for the petitioner and the learned Additional Advocate General appearing for the respondents.

5. The facts in the present case are not in dispute. Admittedly, the petitioner participated in the Tamil Nadu Uniformed Services Recruitment. The physical measurement and physical efficiency are very much required for the uniformed services, since the person, after recruitment, is going to maintain the law and order issue in the State of Tamil Nadu. Admittedly, the benchmark prescribed by the recruitment agency with regard to chest measurement is 81 cms – Normal and Expansion 86 cms., ie., 81+5 cms. In the case on hand, the petitioner's chest measurement is 93 cms in normal position, however, he lacks 3 cms in expanded form, ie., as against the required chest measurement of 5 cms increase, the petitioner is lacking 3 cms, ie., 96 cms.,(93+3 cms), instead of 98 cms. (93+5). When the potential



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candidates are available with the prescribed chest measurement level and when there is a dispute with regard to the petitioner's chest measurement, the petitioner's case could not be considered and hence, the prayer sought for in the present Writ Petition cannot be granted.

6. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

13.02.2023

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

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