



W.P.(MD)No.2941 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.2941 of 2023
and
W.M.P.(MD).No.2729 of 2023

M.Sivanesan

... Petitioner

Vs.

1.The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Pantheon Road, Egmore,
Chennai-600 008.

2.The Chairman/Member,
Sub-Committee,
Tamil Nadu Uniformed Services Recruitment Board,
Pantheon Road, Egmore,
Chennai-600 008.

3.The Deputy Chairman-cum-Superintendent of Police,
Sub-Committee, Madurai Centre,
Madurai District.

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the third respondent in pursuant to the impugned disqualification slip issued vide Proceedings No.Nil dated 06.02.2023 and quash the same as illegal and arbitrary and consequently direct the respondents to conduct Physical Measurement Test (Height) to the petitioner afresh by a qualified Physical Director within the time limit that may be stipulated by this Court.

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

ORDER

This Writ Petition has been filed to call for the records relating to the impugned disqualification slip dated 06.02.2023 issued by the third respondent, quash the same as illegal and consequently, direct the respondents to conduct a fresh Physical Measurement Test for the petitioner by the qualified Physical Director, within a stipulated time fixed by this Court.



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2. The case of the petitioner is that the petitioner has participated in the selection process to the post of Grade-II Police Constables, Grade-II Jail Wardens and Firemen in the Tamil Nadu Uniformed Services Recruitment Board-2022. He has successfully passed in the written examination. On completion of the written examination, the petitioner was called for the physical measurement test. During physical measurement test, after taking height measurement, the Officials have marked his height measurement as 168.7 cm, and hence, he preferred an appeal. However, again they marked his height measurement as 168.4 cm and issued the impugned disqualification slip dated 06.02.2023. Challenging the same, the petitioner is before this Court with this writ petition.

3. The learned counsel for the petitioner would submit that the issue that arises in the present writ petition is no longer *res integra*. In the case of ***A.Parthiban and Others Vs. Tamil Nadu Uniformed Services Recruitment Board, Rep. by its Chairman (DGP) and Others*** in W.A.No.8 of 2020 etc., in Paragraph No.42 (iii), the Hon'ble Full



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Bench of this Court has held that if the person possessed 169.5 cm, the authority can give 0.5 mark and round off to 170 cm. However, in violation of the Judgment passed by the Full Bench of this Court, issuing the disqualification slip by the third respondent as against the petitioner, is not sustainable. Accordingly, he prayed for allowing this writ petition.

4. Per contra, the learned Additional Advocate General appearing for the respondents would submit that originally, the petitioner's height was measured as 168.7 cm, against which, he preferred an appeal and the appellate authority measured again as 168.4 cm. The decision relied upon by the learned counsel for the petitioner is not applicable to him, since the petitioner's height is 168.7 cm at initial measurement. Even if 0.5 cm is added in favour of him, it may not help the petitioner for his success in the physical measurement test. The petitioner has not satisfied the height measurement and hence, he was not allowed to participate in the chest measurement. Further, the decision relied upon by the learned counsel for the petitioner is only persuasive value and it is only a suggestion and it is not a direction. Accordingly, he prayed for dismissal of this writ petition.



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

6. The facts in the present case are not in dispute. Admittedly, the petitioner has 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 in the State of Tamil Nadu. It is also an admitted fact that when there is a dispute with regard to the petitioner's height, the petitioner will not come to the benchmark prescribed by the recruitment agency. Admittedly, the benchmark prescribed by the recruitment agency is 170 cm and the potential candidates are available with the height of more than 170 cm. The person having the height of below 170 cm is not entitled to be selected in the Uniformed Services. As rightly submitted by the learned Additional Advocate General, even the benefit of the decision of the Hon'ble Full Bench of this Court relied upon by the learned counsel appearing for the



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petitioner cannot be extended to the petitioner. Hence, the prayer sought for in the present writ petition cannot be granted.

7. Accordingly, this Writ Petition is dismissed. No costs.
Consequently, connected miscellaneous petition is closed.

14.02.2023

NCC:Yes/No
Index:Yes/No
Internet:Yes/No
ssb

To

- 1.The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Pantheon Road, Egmore,
Chennai-600 008.
- 2.The Chairman/Member,
Sub-Committee,
Tamil Nadu Uniformed Services Recruitment Board,
Pantheon Road, Egmore,
Chennai-600 008.
- 3.The Deputy Chairman-cum-Superintendent of Police,
Sub-Committee, Madurai Centre,
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