



W.P.(MD)Nos.2890 and 2891 of 2023

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 13.02.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**W.P.(MD)Nos.2890 and 2891 of 2023**

**and**

**W.M.P.(MD)Nos.2676, 2678, 2680, 2681, 2682 and 2683 of 2023**

A.Thangaraj ... Petitioner in W.P.(MD)No.2890 of 2023

M.Rajkumar ... Petitioner in W.P.(MD)No.2891 of 2023

**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,  
Palayamkottai,  
Tirunelveli District.
- ... Respondents  
in both W.Ps'



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**COMMON PRAYER :** Petitions 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 06.02.2023 issued by the third respondent to the petitioners and to quash the same and consequently, to direct the respondents to re-measure the height of the petitioners and also to permit the petitioners 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 Warder, Firemen-2022.

For Petitioner  
in both W.Ps' : Mr.R.Maheswaran

For Respondents  
in both W.Ps' : Mr.Veerakathiravan  
Additional Advocate General  
Assisted by Mr.S.P.Maharajan  
Special Government Pleader

### **C O M M O N O R D E R**

These Writ Petitions have been filed to call for the records relating to the impugned disqualification slip dated 06.02.2023 issued by the third respondent to the petitioners, quash the same and consequently, direct the respondents to re-measure the height of the petitioners and permit the petitioners to participate in the Physical Endurance Test and other recruitment process in Common Recruitment for the posts of Grade-II

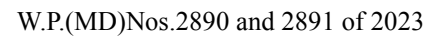


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Police Constables, Grade-II Jail Wardens and Firemen-2022, so as to enable the petitioners to get appointment in the above recruitment.

2. The case of the petitioners is that the petitioners have 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. They have successfully passed in the written examinations. On completion of the written examinations, the petitioners were called for the physical measurement test. During physical measurement test, the third respondent measured their heights and stated that their heights are 169 cm and 169.5 cm respectively. Thereafter, the authority once again measured their heights and informed that their heights are 168.5 cm and 169.5 cm respectively. Therefore, the petitioners have preferred appeal, however, the third respondent, without measuring their heights properly, has issued the impugned disqualification slip dated 06.02.2023 stating that their heights were 168.5 cm and 169.5 cm respectively. Challenging the same, the petitioners are before this Court with these Writ Petitions.



4. Per contra, the learned Additional Advocate General appearing for respondents would submit that originally, the petitioners' heights were measured as 169 cm and 169.5 cm, against which, they preferred an appeal and the appellate authority measured again as 168.5 cm and 169 cm respectively. The decision relied upon by the learned counsel for respondents is not applicable to them. Even if 0.5 cm is added in favour of petitioners, it may not help the petitioners for their success in the physical



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measurement test. The petitioners have not satisfied the height measurement and hence, they were not allowed to participate in the chest measurement. Further, the decision relied upon by the learned counsel for the petitioners is only persuasive value and it is only a suggestion and it is not a direction. Accordingly, he prayed for dismissal of these Writ Petitions.

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

6. The facts in the present case are not in dispute. Admittedly, the petitioners have 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 petitioners height, the petitioners 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



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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 petitioners cannot be extended to the petitioners. Hence, the prayer sought for in these Writ Petitions cannot be granted.

7. Accordingly, these Writ Petitions are 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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