



W.P.(MD)No.3056 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.3056 of 2023
and
W.M.P.(MD)No.2855 of 2023

Nanthakumar

Vs.

... Petitioner

1.The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road,
Egmore,
Chennai-600 008.

2.The Chairman/Member,
Recruitment Sub-Committee,
Tamil Nadu Uniformed Services Recruitment Board,
Madurai Centre,
Madurai.

... Respondents

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 pertaining to the impugned order dated 08.02.2023 passed by the second



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respondent and quash the same as illegal and consequently direct the respondents to conduct a fresh physical efficiency test for the petitioner (Enrollment No.4016108) for the post of Grade-II Constable, Grade II Jail Warder and Firemen of Police in the Tamil Nadu Uniformed Services Recruitment Board 2022.

For Petitioner	: Mr.R.Venkatesan
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 pertaining to the impugned order dated 08.02.2023 passed by the second respondent, quash the same as illegal and consequently, direct the respondents to conduct a fresh physical efficiency test for the petitioner (Enrollment No.4016108) for the posts of Grade-II Constable, Grade II Jail Warden and Fireman of Police in the Tamil Nadu Uniformed Services Recruitment Board 2022.



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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 stated that the petitioner is not eligible for the said post, since his height measurement is 169.1 cm, and hence, he preferred an appeal. However, they mentioned his height measurement as 169.0 cm and issued the impugned disqualification slip dated 08.02.2023. Challenging the disqualification slip, 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***



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in W.A.No.8 of 2020 etc., in Paragraph No.42 (iii), the Hon'ble Full 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 second 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 169.1 cm, against which, he preferred an appeal and the Appellate Authority measured again as 169.0 cm. The decision relied upon by the learned counsel for the petitioner is not applicable to him. 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



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only a suggestion and it is not a direction. Accordingly, he prayed for dismissal of this writ petition.

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



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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 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.

15.02.2023

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

To

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Egmore,
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2.The Chairman/Member,
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