



W.P.(MD)No.3062 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.3062 of 2023

and

W.M.P.(MD)Nos.2864 and 2866 of 2023

S.Kalidass

... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
No.807, 2nd Floor, Anna Salai,
Chennai-600 002.

2.The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Egmore, Chennai-8.

3.The Chairperson,
Tamil Nadu Uniformed Services Recruitment Board,
Recruitment Sub Committee,
Madurai Centre,
Madurai.

4.The Member,
Tamil Nadu Uniformed Services Recruitment Board,
Recruitment Sub Committee,



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Madurai Centre,
Madurai.

5.The Administrative Officer,
Tamil Nadu Uniformed Services Recruitment Board,
Recruitment Sub Committee,
Madurai Centre,
Madurai.

6.The Superintendent of Police,
Madurai District,
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 relating to the impugned disqualification slip dated 07.02.2023 issued by the respondents 3 to 5 to the petitioner and to quash the same as un-sustainable and consequently, to direct the respondents to re-measure the height of the petitioner and also to permit the petitioner to participate in the next level of the selection process in Common Recruitment for the posts of Grade-II Police Constables/Grade-II Jail Warders/Firemen-2022, so as to enable the petitioner to get appointment in the above recruitment.

For Petitioner : Mr.M.S.Jeyakarthik

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



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ORDER

This Writ Petition has been filed to call for the records relating to the impugned disqualification slip dated 07.02.2023 issued by the respondents 3 to 5 to the petitioner, quash the same as un-sustainable and consequently, direct the respondents to re-measure the height of the petitioner and permit the petitioner to participate in the next level of the selection process in Common Recruitment for the posts of Grade-II Police Constables/Grade-II Jail Wardens/Firemen-2022, so as to enable the petitioner to get appointment in the above recruitment.

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, the officials of the third respondent measured his height manually and stated that his height is 169.8 cm. As per the



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notification of the respondents' recruitment, if height is 0.8 cm, it has to be rounded off to near full number. However, without rounding off his height as 170 cm, the officials of the third respondent once again measured his height manually and informed that his height is 169.06 cm. Therefore, the petitioner has preferred appeal, however, the respondents 3 to 5, without measuring the height properly, has issued the impugned disqualification slip dated 07.02.2023 stating that his height was 169 cm in manual and 169.4 cm in digital machine. 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 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



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the disqualification slip by the respondents 3 to 5 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 169.0 cm, against which, he preferred an appeal and the appellate authority measured again as 169.4 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 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 petitioner cannot be extended to the petitioner. Hence, the prayer sought



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for in the present writ petition cannot be granted.

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7. Accordingly, this Writ Petition is dismissed. No costs.

Consequently, connected miscellaneous petitions are closed.

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NCC:Yes/No
Index:Yes/No
Internet:Yes/No
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M.DHANDAPANI,J.

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