



W.P.(MD)No.3408 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.3408 of 2023

and

W.M.P.(MD)Nos.3161, 3163 and 3166 of 2023

K.Ishwarya

... Petitioner

Vs.

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

2. The Chairman,
Sub Committee,
Trichy Centre,
Tamil Nadu Uniformed Services Recruitment Board,
Madurai.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records in connection with the impugned disqualification slip dated 07.02.2023 issued by the second respondent to the petitioner and to quash



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the same as illegal 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, if the petitioner found eligible in height measurement.

For Petitioner : Mr.B.Vinothkumar
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 second respondent to the petitioner, quash the same as illegal 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 and Firemen-2022, so as to enable the petitioner to get appointment in the above recruitment.



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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. She 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 second respondent measured her height and stated that her height is 156.1 cm. Thereafter, the authority once again measured her height and informed that her height is 156.3 cm. Therefore, the petitioner has preferred appeal, however, the second respondent, without measuring the height properly, has issued the impugned disqualification slip dated 07.02.2023 stating that her height was 156.3 cm. 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***



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Recruitment Board, Rep. by its Chairman (DGP) and Others in W.A.No.8

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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 156.1 cm, against which, she preferred an appeal and the appellate authority measured again as 156.3 cm. The decision relied upon by the learned counsel for the petitioner is not applicable to her, since the petitioner's height is 156.3 cm at initial measurement. Even if 0.5 cm is added in favour of her, it may not help the petitioner for her success in the physical measurement test. The petitioner has not satisfied the height measurement and hence, she was not allowed to participate in the chest measurement. Further, the decision relied upon by the learned counsel for



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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.

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 157 cm and the potential candidates are available with the height of more than 157 cm. The person having the height of below 157 cm is not entitled to be selected in the Uniformed Services. As rightly submitted by the learned Additional Advocate General, even the



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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 Petitions are closed.

21.02.2023

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

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