



W.P.(MD)No.3811 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.3811 of 2023

and

W.M.P.(MD)Nos.3597 & 3598 of 2023

A.Prabakaran

... Petitioner

Vs.

1.The Chairman

Tamilnadu Uniformed Services Recruitment Board,
No.807, 2nd Floor,
Anna Salai,
Chennai-600002.

2.The Member Secretary

Tamilnadu Uniformed Services Recruitment Board,
Egmore,
Chennai-8.

3.The Chairperson

Tamilnadu Uniformed Services Recruitment Board,
Recruitment Sub Committee,
Madurai Centre,
Madurai.



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4.The Member

Tamilnadu Uniformed Services Recruitment Board,
Recruitment Sub Committee,
Madurai Centre,
Madurai.

5.The Administrative Officer

Tamilnadu 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 entire records in relating to the impugned Disqualification slip, dated 06.02.2023 issued by the respondents 3 to 5 to the petitioner and to quash the same as unsustainable 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 Wardens / Firemen-2022, so as enable the petitioner to get appointment in the above recruitment.



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

ORDER

This Writ Petition has been filed to quash the impugned Disqualification slip, dated 06.02.2023 issued by the respondents 3 to 5 to the petitioner 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 Wardens / Firemen-2022, so as 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



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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 was scheduled to be conducted on 06.02.2023. The selection is under four categories, namely, (i) certificate verification, (ii) physical measurement test, (iii) physical efficiency test and (iv) efficiency test. The petitioner has also participated in the aforesaid physical measurement test on the above said date, which was held in Madurai. Though the petitioner is having a height of 170 cm., the respondents initially measured his height manually as 169.7 cm., against which, the petitioner preferred an appeal before the appellate authority on the same day. In spite of the scale showed 169.7 cm., the respondents reduced the height of the petitioner to 169.3 cm., vide disqualification slip, dated 06.02.2023. Challenging the same, the present writ petition is filed.

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 decision of the Full Bench of this Court in ***A.Parthiban and***



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Others Vs Tamil Nadu Uniformed Services Recruitment Board, Rep. by

its Chairman (DGP) and Others in Paragraph No.42 (iii), it is made clear 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, passing disqualification slip by the respondents 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 169.7 cm., against which, he preferred an appeal and the appellate authority measured again as 169.3 cm. Even the decision relied upon by the learned counsel for the petitioner is not applicable to him, since the petitioner's height is 169.3 cm at initial measurement, even if 0.5cm 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



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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.

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 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 issue in the State of Tamil Nadu. It is also an admitted fact that the potential candidates are available with the height of more than 170 cm., when there is a dispute with regard to the petitioner's height as 170 cm. or 169.7 cm. and even the petitioner does not come to the benchmark prescribed by the recruitment agency. Admittedly, the benchmark prescribed by the recruitment agency is 170 cm. and the person having the height of below



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170 cm. is not entitled to be selected in the uniformed services. Initially, the petitioner himself admitted that he scored 169.7 cm. before the original authority. However, the appellate authority reduced it to 169.3 cm. As rightly submitted by the learned Additional Advocate General, even the decision of the 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.

24.02.2023

NCC:Yes/No
Index:Yes/No
Internet:Yes/No
RM



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M.DHANDAPANI,J.

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