



W.P(MD)No.4665 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.03.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4665 of 2023

and

W.M.P.(MD)No.4356 of 2023

C.Sundar Mahalingam

Vs.

... Petitioner

1.The State of Tamil Nadu represented by
The Principal Secretary to Government,
Home (Police) Department,
Secretariat,
Chennai 600 009.

2.The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
807, 2nd Floor, Anna Salai,
Chennai 600 002.

3.The Director General of Police,
Mylapore,
Chennai 600 004.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the disqualification slip of this petitioner with Enrolment



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No:3903692, dated 06.02.2023 issued by the second respondent as by quashing it null and void and thereby direct these respondents to take the height measurement of the petitioner with qualified persons with digital and manual scales in the video coverage in front of the second respondent before the end of the physical test over in 2022 requirement of GR-II Police Constable /GR-II Jail Warden and Fireman Selection -2022 within a specified time frame as fixed by this Court.

For Petitioner : Mr.K.Gopalakrishnan

For Respondents : Mr.Veerakathiravan
Additional Advocate General
assisted by Mr.K.Balasubramani
Special Government Pleader

ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Advocate General assisted by the learned Special Government Pleader appearing for the respondents.

2. The petitioner took part in the recruitment process conducted by the second respondent board for the post of Grade-II Police Constable. The petitioner was disqualified on the ground that he did not meet the height requirement. Questioning the disqualification, the petitioner preferred an appeal. The appellate committee also came to the conclusion that the



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petitioner's height is below the prescribed norms. Challenging the said stand taken by the board, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition.

4. He pointed out that the certificate issued by the Government doctor shows that the petitioner's height is 170 cm. This fulfils the norms set out in the recruitment notification. He also would point out that there is discrepancy between the measurements done by the original authority and the appellate authority. He therefore called upon this Court to set aside the impugned order and direct the respondents to redo the exercise of height verification.

5. I am not impressed by the aforesaid contention advanced by the learned counsel appearing for the petitioner. No doubt, the petitioner relies on the earlier order passed by me in W.P.(MD)Nos.21289 & 20733 of 2022, dated 26.09.2022. However, in the said case, the original measurement was done manually whereas this Court directed the authorities to do digital measurement. In this case, the appellate committee had carried out digital measurement. The certificate relied on by the petitioner as well as the decision of the original



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authority are based on manual measurement. Since the appellate committee's decision is anchored on digital measurement, I am not in a position to interfere for want of sufficient contra material. If the petitioner had got himself digitally measured through private agencies and placed the same, then, probably, a case for redoing the exercise might have arisen. Since no contra material of unimpeachable quality has been placed before this Court, I have to necessarily decline relief.

6. The learned Additional Advocate General also pointed out that similarly disqualified candidates had filed W.P.(MD)Nos.2791, 2890 & 2891 of 2023 and all the writ petitions had been dismissed by another Judge of this Court.

7. After taking note of the proceedings of the appellate committee and the written instructions filed by the second respondent, I am not inclined to interfere. The Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

06.03.2023

Index : Yes / No
Internet : Yes/ No
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To



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G.R.SWAMINATHAN, J.



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