



WEB COPY



W.A(MD)No.299 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.03.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A(MD)No.299 of 2023
and
C.M.P(MD)Nos.3396, 3397 and 3399 of 2023**

N.Varatharaj

... Appellant/Writ petitioner

-VS-

1.The Member Secretary,
Tamil Nadu Uniformed Service Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore,
Chennai – 600 008.

2.The Chairman/Member,
Recruitment Sub-Comittee,
Tamil Nadu Uniformed Service Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore,
Chennai – 600 008.

... Respondents/Respondents

PRAYER: Appeal filed under Clause 15 of Letters Patent, against the order
dated 14.02.2023 passed in W.P(MD)No.2911 of 2023.

For Appellant : Mr.P.Saravanakumar
For Respondents : Mr.Veera Kathiravan,
Additional Advocate General, assisted by,
Mr.S.P.Maharajan,
Special Government Pleader



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JUDGMENT

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

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Being aggrieved by the order of the Writ Court, dated 14.02.2023 made in W.P(MD)No.2911 of 2023, the appellant/writ petitioner has filed this writ appeal.

2. The appellant/writ petitioner, who was disqualified in the selection process for a Police Constable on the ground that he did not possess the prescribed height, challenged the said disqualification before the Writ Court. The main ground of challenge was that the writ petitioner taken part in the earlier selection process where his height was measured at 170.2 Cms., by scale and 169.8 Cms., by machine. Therefore, he was allowed to go the next level of selection where he unfortunately failed. In the present selection process, the petitioner's height was found to be 169.1 Cms. The writ petitioner would contend that since he had qualified on the physical measurements on the earlier occasion, denial of opportunity to him on the ground that he did not have the required height is flawed.

3. Mr.Veera Kathiravan, learned Additional Advocate General, would submit that earlier it was manual measurement. Now a days, measurement is taken manually and in the event of appeal, there is digital



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measurement. Therefore, the same cannot be questioned. He would also rely upon a judgment of the Full Bench of this Court in **A.Parthiban and Others vs. Tamil Nadu Uniformed Services Recruitment Board, Rep. by its Chairman(DGP) and Others**, wherein the Full Bench had an occasion to deal with the issue and the Full Bench had finally concluded that if the height and other measurement is taken through digital mode, the same will have to be accepted. The Writ Court, after referring to the Full Bench decision, has refused to interfere with the order impugned in the writ petition. We do not think that the Writ Court can be faulted for such approach.

4. The writ appeal fails and it is accordingly dismissed.
No Costs. Consequently, connected miscellaneous petitions are closed.

[R.S.M., J.]

[L.V.G., J.]

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NCC :Yes/No

Index :Yes/No

PM



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