



W.P.(MD)No.11779 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 13.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.11779 of 2023

and

W.M.P.(MD)Nos.10300 and 10302 of 2023

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... Petitioner

Vs.

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

2.The Chairman / Sub Committee,
Tamil Nadu Uniformed Services Recruitment Board,
Egmore, Chennai – 8.

3.The Superintendent of Police /
Sub Committee Chairman,
Madurai District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari Mandamus, to call for the records, relating to the impugned disqualification order, passed by the 3rd respondent against the petitioner vide his proceedings dated



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25.04.2023 and to quash the same and further directing the respondent to re-measure the height of the petitioner and permit the petitioner to participate in the physical endurance test and other recruitment process in the common recruitment to the post of grade II Police Constable, Grade II Jail Warder, Fireman-2022.

For Petitioner : Mr.M.Viji

For Respondents : Mr.Veerakathiravan,
Addl. Advocate General,
Assisted by Mr.K.Balasubramani,
Spl. Government Pleader.

ORDER

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

2.The petitioner is an aspirant for the post of Police Constable Grade II. He took part in the recruitment process held by the respondent board. When his height was physically measured, it was found to be 170 cm. However, during super check, his height was found to be



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168.9 cm. Hence, he was disqualified. Challenging the same, the petitioner filed W.P.(MD)No.3228 of 2023. The said writ petition was allowed on 16.02.2023 in the following terms:-

“2. The case of the petitioner is that he has participated in the selection process to the post of Combined Recruitment of Grade II Police Constable /Grade II Jail Warders /Firemen 2022 and successfully completed the written examination and also secured qualified marks in the written examination. Thereafter, on 07.02.2023, he has participated in the physical measurement test and he has more than 170 cm. height. As per the selection Notification, the qualified height to the MBC candidates is 170 cm. But, during the physical measurement test through the digital method, the third respondent and his subordinate officers did not properly measure his height and they disqualified him on the ground that the petitioner only having 168.9 cm. height. Challenging the same, the present writ petition has been filed.

3. Mr.Veera Kathiravan, learned Additional Advocate General, assisted by Mr.S.P.Maharajan, learned Special Government Pleader appearing for the respondents would submit that the present impugned order is wrong and the petitioner was already measured and his height is 170.0 cm. and thereafter super check measurement was conducted



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again, since there was a malpractice in the earlier round of measurement and his height is 168.9 cm. However, the impugned order does not reveal the same. Hence, this Court may set aside the impugned disqualification slip issued by the third respondent dated 07.02.2023 and remand back the matter for fresh order.

4. In view of the fair stand taken by the learned Additional Advocate General, the impugned disqualification slip passed by the third respondent dated 07.02.2023 is set aside and the matter is remanded back to the third respondent for fresh order, after hearing the petitioner.”

After such remand, the petitioner was summoned and his written statement was obtained. The impugned order was passed holding that the petitioner is disqualified. Questioning the same, this writ petition came to be filed.

3.The learned counsel for the petitioner submitted that after remand, the petitioner should have been re-measured and since it was not done. Therefore, there has to be an interference with the impugned order.

4.I am not impressed with the contention of the learned counsel for the petitioner. As rightly pointed out by the learned Additional Advocate



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General, when the petitioner was issued disqualification slip earlier, some entries has been erroneously made. That is why, this Court while allowing the petitioner's writ petition on 16.02.2023 only called upon the authority to pass a fresh order. The authority was not directed to re-measure the petitioner. In any event, the stand of the respondents is that during super check, the petitioner was digitally measured. The learned Additional Advocate General would draw my attention to the order dated 17.03.2023 passed by the Hon'ble Division in W.A.(MD)No.299 of 2023. Paragraph No.3 of the said judgment is as follows:-

*“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 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.”*



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5.Since the petitioner had been digitally measured during super check and he was found below the height limit, he was rightly disqualified. The petitioner has not placed any material before me to demonstrate that the digital measurement done by the respondents was erroneous. The petitioner could have got himself digitally measured privately and placed some materials. No such exercise has been undertaken by the petitioner. I am therefore not in a position to intervene in favour of the petitioner. The writ petition stands 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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G.R.SWAMINATHAN,J.

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