



W.P.(MD).No.16028 of 2023

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 04.07.2023**

**CORAM**

**THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD).No.16028 of 2023**

**and**

**W.M.P(MD)Nos.13440 to 13442 of 2023**

Thangapandi

... 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,  
Tamil Nadu Uniformed Services Recruitment Board,  
Egmore, Chennai.

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

... 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 pertaining to the impugned disqualification order passed by the 3<sup>rd</sup>



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respondent against the petitioner vide his proceeding dated 25.04.2023 in C.No.B1/E-3844177/2022 and quash the same, consequently direct the respondents to take the petitioners Height Measurement with qualified persons with digital and manual scales in the video coverage.

For Petitioner : Mr.D.S.Haroon Rasheed

For Respondents : Mr.P.Veera Kathiravan  
Additional Advocate General  
for Mr.N.Muthuvijayan  
Special Government Pleader

### **ORDER**

The present writ petition has been filed to call for the records pertaining to the impugned disqualification order passed by the 3<sup>rd</sup> respondent against the petitioner vide his proceeding dated 25.04.2023 in C.No.B1/E-3844177/2022 and quash the same, consequently direct the respondents to take the petitioners Height Measurement with qualified persons with digital and manual scales in the video coverage.

2. The petitioner has completed SSLC and Higher Secondary in the year 2012 and 2014 respectively. The 1<sup>st</sup> respondent called for the recruitment for the post of Grade-II Police Constables, Grade-II Jail Warden and Fireman



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through Advertisement No.2/2022 on 30.06.2022. The petitioner possessed the required educational qualifications and applied for the said post. The written examination was held on 27.11.2022 and the Enrolment Number of the petitioner is 4012863. The petitioner passed the said written examination and scored 67 for 70 and was qualified to appear for the physical measurement test. The physical measurement test was fixed on 07.02.2023 and when the petitioner appeared for the said test, the 3<sup>rd</sup> respondent without properly examining the physical height measurement, rejected the petitioner. As a result of which, a disqualification slip, dated 07.02.2023 indicating the height measurement as 169 Cms was also issued. As per the notification, the height for men should be 170 Cms for the Backward Class community.

3. In a previous instance, he applied for the post of Constable GD in CAPF, in which the physical standard test was conducted and his height was 170 Cms. Hence, the learned counsel for the petitioner vehemently contended that the respondent without conducting proper measurement, rejected the petitioner and hence, the petitioner had filed a writ petition in W.P(MD)No. 3168 of 2023 wherein this Court was pleased to allow the said writ petition by setting aside the impugned disqualification slip, dated 07.02.2023. Thereafter,



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the said matter was remanded back to the file of the 3<sup>rd</sup> respondent for fresh order, after hearing the petitioner.

4. The learned counsel for the petitioner contended that even after passing of the said order, the 3<sup>rd</sup> respondent did not take any steps to hear him and did not pass any order. Hence, the petitioner filed contempt petition in Cont.P(MD)No.909 of 2023. When the matter was taken up for hearing in his absence, the impugned proceedings in C.No.B1/E-3844177/2022, dated 25.04.2023 was affixed in the locked house of the petitioner by the Village Administrative Officer. However, Paragraph No.3 of the order reveals that in view of the direction passed by this Court to issue a fresh order, a fresh order was passed without re-measuring the petitioner and without conducting any fresh measurement test. Challenging the same, this writ petition came to be filed.

5. However, the learned Additional Advocate General vehemently contended that the order which was passed by this Court in W.P(MD)No.3168 of 2023 was precise and definite and the matter was specifically remanded back to the file of the 3<sup>rd</sup> respondent only for passing a fresh order after hearing the petitioner. Because, the earlier order which was passed was bad, in which many



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of the technical details were missing, especially the factum that the petitioner's height was digitally measured during super check conducted for a second round. Since the said disqualification slip did not disclose those particular details as to the conduct of the super check, the learned Additional Advocate General vehemently contended that this Court has directed only to pass a fresh order incorporating all those facts which were missing in the earlier order. Hence, the impugned order passed by the authorities is not defective. In view of the same, this Court had dismissed the writ petition and moreover, he also relied on the order of this Court in W.P(MD)No.11779 of 2023 wherein this Court has held as follows:

*“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*



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*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 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 General, when the petitioner was issued disqualification slip earlier, some entries has been erroneously made. That is why, this*



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*Court while allowing the petitioner's writ petition on 16.02.2023 only called upon the authority to pass a fresh order.....”*

6. Heard Mr.D.S.Haroon Rasheed, learned counsel for the petitioner and Mr.P.Veera Kathiravan, learned Additional Advocate General appearing for the respondents.

7. Fully in consonance with the order passed by this Court in W.P(MD)No.11779 of 2023, I am inclined to observe, even in this case, the matter was remanded back to the file of the 3rd respondent for passing fresh order, after hearing the petitioner. Accordingly, the 3rd respondent after hearing the petitioner, has passed a fresh order elaborating the details. A perusal of the said order would reveal that the petitioner appeared for certificate verification on 07.02.2023, at T.S.P.VI Battalion's Ground, Madurai, after completion of certificate verification, his height was measured and recorded as 170.2 cms. Thereafter, a random checking of physical measurement test was undertaken by the super check officer for at least 20 candidates per day among whom the petitioner was also included. In such exercise, the super check officer, that is the Inspector General of Police, South Zone, Madurai, remeasured his height by manual measurement stand as well as digital



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measurement stand, thereby recorded his height as 169.0 cms. The above information was properly incorporated and after hearing the petitioner, all other records were re-examined and the 3rd respondent vide the impugned order, dated 25.04.2023 confirmed that his height was 169.00 cms during the physical measurement test which was held on 07.02.2023 at T.S.P.VI Battalion's Ground, Madurai thereby disqualifying him in the physical measurement test. The petitioner was also called for enquiry and his request for remeasurement was negated by the authorities.

8. This Court is of the considered view that since the petitioner had been digitally measured during super check, he was found below the prescribed height limit and hence, he was rightly disqualified. In view of the above, this Court is of the considered view that the impugned order is legally sustainable and the Court is not inclined to interfere with the same. In fine, the writ petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

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To

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



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**L.VICTORIA GOWRI, J.**

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