



WEB COPY



W.P.No.10058 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.10058 of 2021 and
W.M.P.No.10695 of 2021

M.Balamurugan

... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Forest Uniformed Service
Recruitment Committee,
No.1, Jeeni's Road,
Panagal Maaligai, 8th Down Floor,
Saidapet, Chennai 600 015.

2.The Member Secretary,
Tamil Nadu Forest Uniformed Service
Recruitment Committee,
No.1, Jeeni's Road,
Panagal Maaligai, 8th Down Floor,
Saidapet, Chennai 600 015.

...

Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to conduct fresh physical measurement test in the case of the petitioner (Register No.20020090106) for the post of Forest Guard and Forest Guard with Driving License in the Tamil Nadu Forest Subordinate Service and based on the results of such test allow the petitioner to attend the oral test and select and appoint the petitioner as Forest Guard.



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For Petitioner : Mr.T.Dharani
For Respondents : Mr.S.Rajesh, GA

ORDER

This Writ Petition has been filed for the issuance of a Writ of Mandamus, to direct the respondents to conduct fresh physical measurement test in the case of the petitioner (Register No.20020090106) for the post of Forest Guard and Forest Guard with Driving License in the Tamil Nadu Forest Subordinate Service and based on the results of such test, allow the petitioner to attend the oral test and select and appoint the petitioner as Forest Guard.

2. Heard Mr.T.Dharani, learned counsel for the petitioner and Mr.S.Rajesh, learned Government Advocate for the respondents.

3. The petitioner had applied to the post of Forest Guard with Driving License in response to the notification of the Tamil Nadu Forest Uniformed Service Recruitment Committee *vide* its Notification No.2 dated 30.11.2019. The second respondent called the petitioner to attend physical fitness test and walking test on 07.01.2021. The petitioner



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attended the physical fitness test on 07.01.2021 in Guindy Children's Park. The petitioner was disqualified by stating that he did not possess the prescribed physical measurement of 163 cms of Height. But the petitioner claims that he possessed 164 cms of Height.

4. In the counter filed by the second respondent it is stated that the petitioner's height was only 162.2cms as per the records and hence, the petitioner's request cannot be considered.

5. Since the difference between 162.2cms and 163cms is very negligible and the variation in the measurement is possible depending upon the person who measures the height. Even the slight tilting of the scale above the petitioner's head for measuring his height would causes a difference of 0.5 -1cm. Since the petitioner's request is only to re-assess his height, the respondents shall re-assess the height of the petitioner and if he satisfies with the requirement of 163 cms, the next process shall be continued, otherwise appropriate orders may be passed. If the petitioner qualifies in all fitness examination, orders shall be issued by appointing him as Forest Guard in the existing, anticipating or any supernumerary



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post. If the petitioner does not satisfy the required height of 163 cms, even when he is subjected to a fresh assessment, consequential orders can be passed.

6. With the above observations, this Writ Petition is disposed. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes /No

14.03.2024

Speaking / Non-speaking

Neutral Citation : Yes / No

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To

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R.N.MANJULA, J.

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