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W.M.P.No.16958 of 2024
in
W.P.No.4400 of 2024

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G.K.ILANTHIRAIYAN, J.

Originally, the Writ Petition has been filed as against Disqualification Slip issued by the first respondent on the ground that the petitioner was not eligible to participate in the selection process since the height of the petitioner is below 170 cm for the post of Grade II Police Constable/Grade II Jail Warden and Fireman 2023.

2. Considering the facts and circumstances, this Court directed the petitioner to appeal before the Regional Medical Board, Rajiv Gandhi Government General Hospital, Chennai to measure the correct height. Now, the petitioner was subjected for medical examination insofar as measuring his height. As per the report submitted by the Regional Medical Board, Rajiv Gandhi Government General Hospital, Chennai, the petitioner's height was measured as 171.1 cm.



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3. The learned Standing Counsel appearing for the respondents submitted that the selection notification itself had categorically mentions that any certificate produced from the Medical Board or Government Hospital cannot be considered for the candidature's physical verification, such as height, chest, etc. Further, though the entire selection process was over, the result of the selected candidatures for the post of Grade II Police Constable/Grade II Jail Warden and Fireman 2023, is not published so far. The learned Standing Counsel appearing for the respondents relied upon the judgement of the Hon'ble Division Bench of this Court in W.A. No (MD) No. 1295 of 2015 dated 01.02.2016, in which it was held that on questions of facts, the decisions of the concerned authorities would be final. The ascertainment of the height of a candidate is for the concerned authority to decide and any external aid in this regard such as medical certificate cannot be looked into.

4. The learned counsel for the petitioner relied upon the judgement of the Hon'ble Full Bench of this Court in W.A. Nos. 8 to 12, 14 to 16, 23 and 24 of 2020 dated 29.01.2020 wherein it was held that a Writ Petition



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under Article 226 of the Constitution of India for correcting any error may ordinarily be not maintainable involving factual disputes, but, on the establishment of a patent factual error leading to prejudice and resulting in violation of legal or fundamental rights or otherwise involving malafides, a Writ Petition can be entertained under Article 226 of the Constitution of India, in order to avoid or otherwise rectify a denial of opportunity in matters of employment. During the measurement of the petitioner, the Committee was present and the height of the petitioner was duly measured.

5. In view of the above, the request made by the petitioner for modifying the order passed by this Court in W.P. No. 4400 of 2024 cannot be considered.

6. In the result, this Miscellaneous Petition is dismissed.

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