



W.P.No.21971 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2024

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THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.21971 of 2021
and W.M.P.No.23178 of 2021

B.Gayathri

...
/vs/

Petitioner

1. The Chairman,
Tamil Nadu Uniformed Recruitment Board,
Bandhiyan Road, Egmore,
Chennai – 600 008.

2. The Member,
Tamil Nadu Uniformed Recruitment Board,
Bandhiyan Road, Egmore,
Chennai – 600 008.

3. The Member Secretary,
Tamil Nadu Uniformed Recruitment Board,
Bandhiyan Road, Egmore,
Chennai – 600 008.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus to direct the respondents to select the petitioner to the post of Grade II Police Constable (Women) and further postpone intensive physical training required as per rules of recruitment till



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maternity leave is over in the light of the petitioner's representation dated 13.09.2021.

For Petitioner ... Mr.S.Yudhish Padman

For Respondents ... Mr.Sowmi Dattan
Standing Counsel for R1 & R3

ORDER

The petitioner has filed this writ petition seeking a writ of mandamus to direct the respondents to select the petitioner to the post of Grade II Police Constable (Women) and further postpone the intensive physical training as per the Government Order and as per her representation dated 13.09.2021.

2. Mr.S.Yudhish Padman, the petitioner had applied to the post of Grade II Police Constable (Women) and had undergone Physical Efficiency Test (PET) on 09.08.2021; she completed 200 metres running test in 38.52 seconds instead of 38 seconds; since there was shortage of 0.52 secs, the petitioner was declared as unsuccessful; in fact the petitioner came to know later that she was seven weeks pregnant during the Physical Efficiency Test; as per the rules of recruitment, if a candidate is pregnant at



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the time of Physical Efficiency Test, she can be permitted to participate in the Physical Efficiency Test at a later point of time; hence, the petitioner has given representation on 13.09.2021 to the respondents to consider her case and allow her to participate in intensive physical training by selecting her to the post of Grade II Police Constable (Women).

3. Mr.Sowmi Dattan, the learned Standing Counsel for the respondents, submitted that the petitioner had stated in her representation itself that she was aware of her pregnancy but she did not intimate the same; having known her pregnancy and participated in the Physical Efficiency Test, the petitioner cannot seek further postponement of Physical Efficiency Test and hence her petition should be dismissed. He further submitted that in 100 metres and 200 metres running test, only one chance will be given and the petitioner had utilized the one chance and she cannot seek any further chances.

4. The Physical Efficiency Test was conducted on 09.08.2021. According to the submission of the petitioner, the petitioner was seven



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weeks pregnant at that point of time but she was unaware of the same. The petitioner was also unaware of the typographical mistakes crept in her representation and the Writ Petition wherein it is typed as “aware” instead of “unaware”. But the whole reading of her representation and the affidavit would only show that the petitioner was not aware of her pregnancy at the time of the Physical Efficiency Test and only at a later point of time she came to know about it. Had the petitioner known about her pregnancy, she would not have participated in the Physical Efficiency Test and given a representation to postpone the Physical Efficiency Test.

5. In the Government Order in G.O.No.682, Home (Police-III) Department, dated 28.11.2019, certain guidelines for recruitment has been given. In the said guidelines, it is detailed as under:

“ 8. It is submitted that in pursuant to the letter addressed, the Government issued the G.O.(Ms).No.682 Home (Police-III) Department dated 28.11.2019 with the following guidelines for recruitments.

a) While applying for the recruitment the women candidate should declare about her pregnancy in her application form.

b) During the Physical Test, the women candidates should declare about the pregnancy before the Sub-Committee and the pregnant candidates will be allowed for the Physical test only if the are declared



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fit by the Government Doctor.

c) Further, the pregnant candidates declared unfit by the Government Doctor will be allowed to participate in Physical test and further process of selection proposed to be concluded once every six months say February 1st and August 1st week for such candidates at Chennai Centre.

d) Further the women candidates who are at difficult circumstances to participate in the Physical test on account of women related natural causes will be allowed to participate in the Physical Test on another date by the Sub-Committee after submitting the fitness certificate by the candidate from the Government Doctor.

e) A pregnant applicant for the post shall not lose her seniority only because she is unable to participate in the physical test in view of her pregnancy (i.e.) if a pregnant woman is selected on the basis of the physical test in the next process of selection, her seniority should be determined with reference to the earlier recruitment.”

6. One of the terms of the above guidelines is that the women candidates should declare about their pregnancy and in such case, the candidates will be declared as unfit and they will be allowed to participate in the Physical Efficiency Test at a later point of time. Considering the varied circumstances of a female candidates due to natural and family reasons, some reasonableness is shown in the form of guidelines. Those female candidates would declare that their pregnancy will be declared as



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unfit and they will be allowed to participate in the Physical Efficiency Test after six months.

7. In the instant case, the petitioner did not declare her pregnancy. It is obviously because she herself was not aware of the same. Instead of getting the benefit of declaring herself unfit for the physical examination, the petitioner is said to have taken the risk of participating the Physical Efficiency Test and she was declared unsuccessful due to shortage of 0.52 seconds in the running test. Even if a person declares herself as pregnant before the Physical Efficiency Test, the same has to be borne by the medical records. So the medical condition such as pregnancy cannot be changed once it is declared by the competent medical authorities.

8. The petitioner's failure to declare her pregnancy should not deprive her to get the benefit of G.O.(Ms) No.682 dated 28.11.2019. However, she has to produce the relevant medical documents to support her claim that she was pregnant as on 09.08.2021. In fact the petitioner had also delivered a baby on 17.03.2022. Since the petitioner had delivered



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the baby just seven months after the commencement of Physical Efficiency Test, it is obvious that the petitioner should have been pregnant as on 09.08.2021.

9. Since the petitioner had participated in the earlier Physical Efficiency Test conducted on 09.08.2021, when she was pregnant, she has to be treated as unfit to participate in the Physical Efficiency Test and her participation can only be treated as void due to her unfitness.

10. In view of the above stated reasons, this Court directs the respondents to consider the case of the petitioner in the light of G.O.No.682, Home (Police-III) Department, dated 28.11.2019 and provide the petitioner another opportunity during August, 2024 and allow her to participate in the Physical Efficiency Test, provided the petitioner shall produce her medical certificates.



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11. With the above directions, this Writ Petition is disposed. No

costs. Connected miscellaneous petition is closed.

22.01.2024

Index: Yes / No

Speaking order / Non-speaking order

Neutral Citation: Yes / No

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R.N.MANJULA ,J.

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