



Rev.Aplw.(MD)No.123 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.07.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Rev.Aplw.(MD)No.123 of 2024

in

W.P.(MD)No.26250 of 2023

V.Valarmathi

... Review Petitioner / Petitioner

Vs

1.Tamil Nadu Uniformed Services
Recruitment Board,
Rep. by its Chairperson /
Director General of Police,
Egmore,
Chennai-08.

2.The Superintendent of Police,
Madurai District.

3.The Superintendent of Police,
Tirunelveli District.

... Respondents / Respondents

Prayer: Review Application is filed under Order 47, Rule 1 of C.P.C r/w
Section 114 C.P.C to review the order, dated 20.03.2024 made in W.P.(MD)No.
26250 of 2023 on the file of this Court.



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For Petitioner : Mr.T.Aswin Raja Simman
For Respondents : Mr.P.Veera Kathiravan,
Additional Advocate General,
Assisted by,
D.Gandhiraj,
Special Government Pleader

ORDER

This review application has been filed seeking to review a order passed in W.P.(MD)No.26250 of 2023, dated 20.03.2024.

2. The learned Additional Advocate General has filed the written instructions of the respondents and relying upon the same submitted that, the petitioner appeared for physical test on 07.11.2023 but was issued with disqualification slip. However, since the board has adopted a policy decision deciding to allow those candidates like the petitioner who gave representation to the board requesting to conduct physical examination test on an alternative date stating their inability to participate in physical test owing to injuries and illness, vide proceedings dated 17.11.2023 and 22.11.2023, allowed 13 candidates including the petitioner to participate in the physical test on



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29.11.2023 and 30.11.2023 at Trichy Centre. It was confirmed by the learned Additional Advocate General that, on 29.11.2023, the petitioner appeared before the Sub Committee and participated in the certificate verification but did not appear for physical test. Since she failed to utilize the opportunity given, she was disqualified for the selection process.

3. He further submitted that, the TNUSRB has called one V.Mahalakshmi, the petitioner in W.P.(MD)No.3188 of 2024, to participate in physical test based on the direction by this Court, by an order dated 20.03.2024 which was allowed owing to the peculiar nature of the said case subject to the production of medical certificate. However, already TNUSRB had provided an opportunity to the petitioner and hence, it would not be feasible for the department to provide another opportunity to the petitioner, in view of the fact that it would set a bad precedent to other candidates and open floodgate of candidates seeking to conduct re-test.

4. The learned counsel appearing for the petitioner submitted that, inadvertently in the affidavit, the fact as to the appearance of the petitioner on



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29.11.2023 before the Sub Committee and her participation in certificate verification, as well as physical test was left out. In view of the same, this Court was pleased to dismiss the same. However, in a similarly placed case in W.P. (MD)No.3188 of 2024 filed by a similarly placed person one, that is, V.Mahalakshmi who had appeared on 29.11.2023, this Court has passed a favourable order. Taking cue from the said order, the petitioner is also entitled for the relief sought for and pressed for allowing to review the order passed by this Court in W.P.(MD)No.26250 of 2023 dated 20.03.2024.

5. In view of the fact that, the petitioner appeared for the certificate verification on 29.11.2023 and that she was not able to participate in physical test because of injuries suffered by her, this Court is of the considered view that this case may also be decided in terms of the order passed by this Court in W.P. (MD)No.3188 of 2024 subject to the condition of the petitioner producing the medical certificate with respect to the injuries suffered by her on 29.11.2023 before the respondents forthwith. On receipt of the same, the respondents are directed to permit the petitioner to participate in the physical endurance test which is scheduled to be held on 29.07.2024 for certain left out candidates.



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6. Accordingly, this Review Application stands allowed. There shall be no order as to costs.

22.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

Note: Issue order copy on 23.07.2024.

To

- 1.Tamil Nadu Uniformed Services
Recruitment Board,
Rep. by its Chairperson /
Director General of Police,
Egmore,
Chennai-08.
- 2.The Superintendent of Police,
Madurai District.
- 3.The Superintendent of Police,
Tirunelveli District.



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L.VICTORIA GOWRI, J.

Sml

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