



W.A.(MD)No.1156 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **26.02.2024**

CORAM:

THE HONOURABLE MRS.JUSTICE **V.BHAVANI SUBBAROYAN**
AND
THE HONOURABLE MR.JUSTICE **K.K.RAMAKRISHNAN**

W.A.(MD)No.1156 of 2017
and
C.M.P(MD)No.8118 of 2017

1.The Tamil Nadu Uniformed
Services Recruitment Board,
Rep. by its Member Secretary,
807, 2nd Floor, Anna Salai,
Chennai – 600 002.

2.The Chairman, Sub Committee (Recruitment),
Madurai Centre,
Deputy Inspector General of Police,
Madurai Range, Madurai.

: Appellants/Respondents

Vs.

P.Subramani

: Respondent/Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent to set aside the order dated 24.08.2017 passed in W.P.(MD) No.15982 of 2017.

For Appellant

: Mr.Veerakathiravan
Addl. Advocate General assisted by
Mr.A.K.Manikkam
Spl. Govt. Pleader



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JUDGMENT

(Judgment of the Court was delivered by **V.BHAVANI SUBBAROYAN, J.**)

This writ appeal has been filed against the order, dated 24.08.2017 passed in W.P.(MD) No.15982 of 2017 by the Writ Court.

2. Heard the learned Additional Advocate General appearing for the appellants and perused the materials available on records. Though notice has been served on the respondent/petitioner and his name is printed in the cause list, no one appeared.

3. The respondent, as the petitioner, has filed the writ petition to quash the disqualification slip-Men dated 07.08.2017, wherein, the second respondent had disqualified the respondent/writ petitioner in the Rope Climbing event conducted by the Tamil Nadu Uniformed Services Recruitment Board and sought consequential direction to the appellants to assess his performance in the rope climbing event and appoint him as Grade II Police Constable.



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4. According to the petitioner, he is a University Kapadi Player and to prove the same, he has a Certificate. He was found eligible in the written test and other physical efficiency test, in the Combined Recruitment for the post of Grade II Police Constables (Male/Female/Trans-gender), Grade-II Jail Warders (Male & Female) and Fire Man (Male) for the year 2017 and finally, while he was performing rope climbing test, he also did well by climbing to the last point mark, at the end of five metres. But, he was asked to climb down. Only on the instructions of the instructor, he came down immediately, on the ground that he has not crossed the distance of five metres. When he was about to touch the pole with his chin, the instructor sounded his whistle, asking to climb down. Even after climbing down, he requested them to give him the second chance, as he is the University Kabadi Player. Since the same was not considered, the petitioner has approached this Court with this writ petition.

5. The Writ Court allowed the writ petition. Challenging the same, the appellants have filed the writ petition.

6. According to the appellants, W.A(MD)No.1157 of 2017 has been filed challenging the order passed by the Writ Court in W.P(MD)No.14926 of 2017, wherein the Writ Court allowed the writ petition in respect of the some



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other candidate in respect of the same rope climbing event. In the said writ appeal, the Inspector General of Police/Member Secretary, Tamil Nadu Uniformed Services Recruitment Board was asked to see the video clipping in question and file an affidavit before the Court. The Inspector General of Police has also filed an affidavit after watching the video and after consultation with Sports Officers. In the said affidavit, he has stated that the petitioner therein was rightly disqualified in the rope climbing event. He further stated that disqualified candidate cannot be given another chance as it would affect the other meritorious candidates. According to the appellant, the same issue has been done in this case also.

7. According to the appellants, paragraph 29 of the notification dated 23.01.2017 speaks about the rope climbing and as per the said instructions, the respondent/petitioner was not qualified.

8. It is seen that in the year 2010, a writ petition in W.P(MD)No. 11138 of 2010 has been filed challenging the disqualification slip and the same was dismissed by the Writ Court, as against which, the writ appeal in W.A(MD)No.792 of 2010 has been filed. The Honourable Division Bench of this Court by order dated 18.11.2010 dismissed the writ appeal by observing



that the petitioner having become unsuccessful in the physical test, cannot challenge the method of conducting the physical efficiency test. The relevant paragraph in the said Judgement is extracted hereunder:

“4. The allegations mentioned in the affidavit are all being factual aspects, the writ court sitting under article 226, cannot entertain the order. However, the Learned Single Judge, while considering the same issue has observed that the appellant having not been successful in proving his efficiency by coming up to the expectations of the selection committee, cannot come to the court with a complaint that the selection committee has failed to put proper or sufficient powder on the rope. When hundreds of candidates were able to participate in the rope climbing test successfully for the reasons that two of the candidates were not able to be successful in the rope climbing test, the writ court cannot entertain this allegation not hold any roving enquiry. The very fact that the petitioner having become unsuccessful in the physical efficiency test, cannot challenge the method of conducting the physical efficiency test, however, in our considered view, the Learned Single Judge has considered the same, therefore, we do not find any infirmities in the order. Accordingly, Writ Appeal fails and is dismissed....”



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9. In view of the above settled law, we are of the view that the respondent/writ petitioner is not entitled to avail the second chance for the rope climbing event.

7. In the result, this Writ Appeal is allowed. The order passed by the Writ Court dated 24.08.2017 made in W.P.(MD) No.15982 of 2017 is set aside. No costs. Consequently, connected miscellaneous petition is closed.

[V.B.S.,J.] [K.K.R.K.,J.]
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skn

NCC : Yes/No

Index : Yes / No

Internet : Yes



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