

(2017) 12 MAD CK 0044
In the Madras High Court
Case No : 1262 of 2017

G.Sethupathi

APPELLANT

Vs

The Tamil Nadu Uniformed Service Recruitment Board & anr.

RESPONDENT

Date of Decision : 04-12-2017

Acts Referred:

Citation : (2017) 12 MAD CK 0044

Hon'ble Judges : M.Venugopal, R.Tharani

Bench : DIVISION BENCH

Advocate : M.Venugopal, R.Tharani

Judgement

1. Heard both sides.

2. The Appellant/Writ Petitioner has questioned the correctness of the order dated 11.08.2017 in W.P.(MD)No.14824 of 2017 passed by the Learned Single Judge in dismissing the Writ Petition.

3. Earlier, the Learned Single Judge, while dismissing the Writ Petition at Paragraph Nos.4 to 6, had observed the following: "4. In view thereof, when the matter was earlier listed before this Court, this Court directed the respondents to produce the video recordings taken at the time of measurement.

5. As per the said direction, the learned Additional Advocate General appearing for the respondent Police Department produced the video recordings and the same was played before me in the presence of the learned counsel on either side and also the petitioner.

6. As per Rule 84(c) of the notification, a candidate should place his chin just above the red markings on the rope in order to earn one star or two stars. But a perusal of the video recording would clearly show that the petitioner has reached the destination, but was not able to place his chin just above the red marking.

Therefore, the petitioner is rightly found disqualified by the respondent Police Department."

and finally, dismissed the Writ Petition.

4. In the present Writ Appeal, it is contended on behalf of the Appellant/Writ Petitioner that a perusal of the video recording would unerringly point out that the Appellant/Writ Petitioner had reached the destination and yet, has not taken a benevolent stand in his favour.

5. The Learned Counsel for the Appellant comes out with a plea that having made the Appellant/Writ Petitioner to hang on the rope for a while till the videographing problem was rectified, the Respondents could have provided another opportunity of rope climbing which, unfortunately, in the present case, was not given.

6. The Learned Counsel for the Appellant submits that the Appellant hails from a Village and is an Expert in the rope climbing and as such, he is stigmatically sent out disqualified in the event of rope climbing, to the shock and detriment of the Appellant and all his relatives at the native Village. Only due to the technical fault of video recording, the Appellant's fate was decided on the ill-fated day.

7. Conversely, it is the submission of the Learned Additional Advocate General for the Respondents that the Recruitment Board had conducted Physical Measurement Test/Endurance Test/Physical Efficiency Test in 15 Centres and for each Centre, a Sub-Committee was constituted to conduct tests on behalf of TNUSRB and the following were the officials comprising the Sub-Committee in order to ensure that the recruitment processes were conducted in a fair and unbiased manner and the same runs as under:

Chairman DIG of Police

Members I - Superintendent of Police

II - Addl. Superintendent of Police

III - Deputy Superintendent of Police

IV - Superintendent of Prison or

Addl. Superintendent of Prison

V - District Officer for Fire and Rescue

8. The Respondents have come out with a plea that the Norms, specification and procedure for the rope climbing were clearly made mention of in the instruction booklet for PMT, ET, PET and Certificate verification, which are as under: I. Norms for Rope Climbing:

Height Climbed Stars Marks

Less than 5 metres

0 0 disqualified

5 metres 1 2

6 metres 2 5

II. Specification of Rope:

Different colour markings in the rope for 1 star and 2 star standards;

III. Procedure:

i) Only one chance is given for this event;

ii) The candidates have to climb the rope using hands only. They should not use their feet or any other part of the body while climbing up. They should not cling to the rope with legs or thighs, but mere touching of legs or other parts of the body on the rope is not a disqualification.

(iii) The candidates should place their chin just above the markings of either 1 - star or 2-stars standards to show that they have clearly reached either 1-star or 2- star standard;

(iv) If a candidate does not obtain a minimum of 1- star (2 marks) standard, he should be disqualified."

9. In fact, the video recording was examined by the Chairman/Deputy Inspector General of Police, Sub Committee, Madurai District and he had stated that the Appellant/Writ Petitioner had not put his chin touching the rope above the red marking in the rope. Therefore, he was disqualified in rope since he had climbed the rope less than 5 metres and necessary qualification slip was issued. To put it precisely, the video recording was personally viewed by the Board and found to be correct, as stated by the Sub Committee and according to the Respondents, the Petitioner was rightly disqualified.

10. Insofar as the plea taken on behalf of the Appellant/Writ Petitioner that the disqualified candidate is to be given another chance, it is contended on behalf of the Respondents that providing another chance or opportunity to the Appellant/Writ Petitioner certainly would affect other meritorious candidates and would result in delaying the entire process of recruitment. Also, it is projected on the side of the Respondents that the Appellant/Writ Petitioner has every chance of improving his skills and performance over a period of time. Also that, if an opportunity was provided to the Appellant/Writ Petitioner once again, then, it would cause prejudice and injustice to the other meritorious candidates who got qualified in the event, of course, in the first instance. Besides the above, the Recruitment Board had never re-conducted Physical Efficiency Test (PET) in any of the earlier recruitments.

11. Moreover, if the Appellant was directed to re-conduct the aspect of rope climbing, then, it would open the flood gate of cases and there won't be any chance for the selection process to get completed.

12. This Court has perused the impugned order dated 11.08.2017 passed by the

Learned Single Judge in W.P.(MD)No. 14824 of 2017 and is of the considered view that the Learned Single Judge, on an over all assessment of the facts and circumstances of the present case, in an integral manner, had rightly opined that a perusal of the video recording would clearly show that the Petitioner (Appellant) had reached the destination, but was not able to place his chin just above the red marking and as such, he was rightly disqualified, which, in the considered opinion of this Court, is free from any flaw. Resultantly, the Writ Appeal fails.

13. In fine, the Writ Appeal is dismissed leaving the parties to bear their own costs. Consequently, the impugned order of the Learned Single Judge dated 11.08.2017 in W.P.(MD)No.14824 of 2017, is affirmed by this Court for the reasons assigned in this Appeal.