

## R. Elayaraja Vs The Director General of Police and The State of Tamil Nadu

**Court:** Madras High Court (Madurai Bench)

**Date of Decision:** Dec. 23, 2010

**Hon'ble Judges:** R. Subbiah, J; R. Banumathi, J

**Bench:** Division Bench

**Advocate:** Party in Person, for the Appellant; R. Janakiramulu, Special Gov. Pleader, for the Respondent

**Final Decision:** Allowed

### Judgement

R. Subbiah, J.

This writ appeal is directed against the order passed in W.P. (MD) No. 12882 of 200, dated 21.10.2010 by the learned single Judge dismissing the prayer of the Appellant.

2. The Appellant herein applied to the post of Police Constable Grade II in the Tamil Nadu Uniformed Services Recruitment Board, pursuant to

the applications called for by the first Respondent herein for the year 2009-2010. The Appellant appeared in the physical efficiency test held on

7.10.2010 and he had also participated in the chest expansion test, the condition is that the candidate should expand 5 cm of his chest. The

Appellant had expanded his chest 89 to 92 cm under the pressure. But normally, the Appellant having the capacity of expanding the chest to 5 cm.

But the Appellant was found unfit by the authorities and was disqualified on that ground. Hence he has not allowed to participate in the other

physical tests. Hence, he filed a writ petition in W.P. (MD) No. 12882 of 2010 for a writ of Mandamus, to direct the first Respondent to conduct

a fresh physical efficiency test for the Petitioner and for a consequential direction, directing the first Respondent to consider the appointment of the

Petitioner as Grade II Police Constable after fulfilling all the formalities.

3. During the pendency of the writ petition, the learned single Judge has given an interim direction for remeasurement of the chest expansion of the

Petitioner in the presence of Registrar (Judicial) of this Court. As per the interim direction of the learned single Judge, remeasurement was taken in

the presence of Registrar (Judicial). When the re-measurement was taken, it was found that the breadth of the chest on normal condition was 88.5

cms and on expansion 96 cms.

4. When these facts were brought to the notice of the learned single Judge, the learned single Judge without adverting to the chest measurement in

the presence of Mr. N. Ilango, counsel for Respondent, Mr. R. Venkatesan, counsel for the Petitioner, Mr. K. Sugumaran, Additional Deputy

Commissioner, Sub Committee, Member II, Madurai and Mr. K. Gopalakrishnan, Inspector of Police, Othakadai Police Station as though the

Appellant has not got required chest measurement, dismissed the writ petition holding that the Appellant failed to succeed in the second

measurement. Aggrieved over the same, the present writ appeal is filed.

5. When the matter was taken up for consideration, the Appellant submitted that the re-measurement was taken in the presence of Registrar

(Judicial) noted in normal position 88.5 cm and on expansion 96 cms with a difference of 7.5 cm. Since this measurement was accepted to be final

measurement by all 4 persons mentioned above in the presence of the Registrar (Judicial), we are of the view the dismissal of the writ petition by

the learned single Judge by holding that the Appellant failed in the chest measurement test, is unsustainable.

6. Hence, by setting aside the impugned order, we direct the Respondents to permit the Appellant to participate in the other physical efficiency as

he has satisfied the requirement of chest measurement test.

7. In the result, for the aforesaid reasons, this Court allows the present writ appeal. No costs. Consequently, M.P. (MD) No. 2 of 2010 is closed.