



W.A.NO.1011 OF 2026

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2026

CORAM

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR**

**W.A.NO.1011 OF 2026
AND
CMP NO.10356 OF 2026**

A.Pushpa ... Appellant

Vs.

1.The State of Tamilnadu
Rep. By its Principal Secretary to Tamilnadu
Health and Family Welfare Department
Secretariat, Fort St. George,
Chennai – 600 009.

2.The Director of Public Health and
Preventive Medicine
DMS Campus, Anna Salai,
Teynampet, Chennai – 600 006.

3.The Member Secretary
Medical Service Recruitment Board (MRB)
The Member Secretary
7th Floor, DMS Building,
359, Anna Salai, Teynampet,
Chennai – 600 006.

4.The Director of Medical Education
Kilpauk,
Chennai – 600 010.

... Respondents



W.A.NO.1011 OF 2026

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying to set aside the order dated 27.01.2026 and modification order dated 27.02.2026 passed in W.P.No.2708 of 2026.

For Appellant : Mr.T.Sellapandian
for Mr.S.V.Vasanth Kumar

For Respondents 1, 2 & 4: Dr.R.Gouri
Government Counsel

For Respondent - 3 : Mr.S.J.Mohamed Sathik

J U D G M E N T

(Judgment of the Court was made by S.M.Subramaniam, J.)

The writ order dated 27.01.2026 and the modification order dated 27.02.2026 passed in W.P.No.2708 of 2026 are under challenge in this present writ appeal. The writ petitioner is the appellant.

2.The writ petitioner participated in the process of selection for appointment to the post of Ophthalmic Assistant in Medical Department. The writ Court made a finding that the appellant did not make application for DAP category and she made application only for MBC de-notified category, in which, the cut off mark for general turn is 58.24 and women category is 59.51, whereas, the appellant secured only 57.75 marks. Since the appellant has not secured the cut off marks, her candidature was not considered.



WEB COPY

3.In the present appeal, the learned counsel appearing on behalf of the third respondent would submit that as per G.O.(Ms) No.3, Health and Family Welfare (C2) Department, dated 06.01.2016, the suggested category of Physically Challenged candidates eligible for the post of Ophthalmic Assistant is stated as "Orthopaedically Physically Disabled (Disability in the lower limb between 40% and 70%)."

4.The recruitment Notification dated 17.02.2023 issued was not in conformity with the aforesaid Government Order, which provides for reservation and related information for differently abled persons, which reads as follows:

"Reservation for differently abled:-

4% of the posts are reserved for Differently Abled candidates (Orthopaedically physically handicapped locomotory disability of the lower limb should be between 40% and 70%) as per G.O.(Ms.) No.3, Health and Family Welfare (C2) Department dated 06.01.2016 and G.O.(Ms.) No.21, Welfare of Differently Abled Persons (DAP-3.2) Department dated 30.05.2017. Such candidates have to produce a certificate of physical fitness from the Medical Board (as in Annexure 7A / 7B of this



WEB COPY



W.A.NO.1011 OF 2026

notification). That Certificate should be obtained from the Medical Board of a Medical college.”

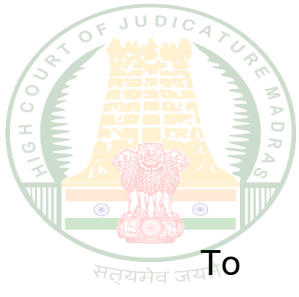
5.The application submitted by the appellant is also furnished before this Court. Though the appellant applied under the said category by stating that her type of disability is Orthopaedically Physically Disabled (Disability in lower limb between 40 and 70%), as per the pass-book issued by the Government for Differently Abled Persons, her disability is stated as 65% hearing impairment. Thus, the appellant has not produced the relevant certificate to establish that she is coming under the category of ‘differently abled persons’ as per the Notification issued. Thus, her candidature was not considered. This Court does not find any infirmity in the decision arrived by the Writ Court. Consequently, the writ appeal stands dismissed. However, there shall be no order as to costs. Consequently, connected Civil Miscellaneous Petition is closed.

[S.M.S., J.]

[N.S., J.]

06.07.2026

Index : Yes
Speaking Order : Yes
Neutral Citation : Yes / No
TK



W.A.NO.1011 OF 2026

To

WEB COPY

- 1.The Principal Secretary to Tamilnadu
Government of Tamil Nadu
Health and Family Welfare Department
Secretariat, Fort St. George,
Chennai – 600 009.
- 2.The Director of Public Health and
Preventive Medicine
DMS Campus, Anna Salai,
Teynampet, Chennai – 600 006.
- 3.The Member Secretary
Medical Service Recruitment Board (MRB)
7th Floor, DMS Building,
359, Anna Salai, Teynampet,
Chennai – 600 006.
- 4.The Director of Medical Education
Kilpauk,
Chennai – 600 010.



WEB COPY



W.A.NO.1011 OF 2026

S.M.SUBRAMANIAM, J.

AND

N.SENTHILKUMAR, J.

TK

WA NO.1011 OF 2026

06.07.2026

Page No.6 of 6