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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-07-2026

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THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WP No. 43225 of 2025

B.Chinnaiya

..Petitioner(s)

Vs

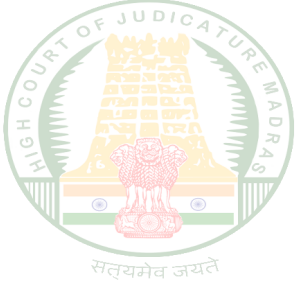
1. The Registrar General,
High Court of Madras, Chennai-104
2. The Principal District Judge
Ariyalur

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India issuing writ of certiorarified mandamus calling for the records relating to the rejection of promotion issued in impugned proceedings dated 17.09.2025 by the 2nd respondent and quash the same as illegal and consequently direct the 2nd respondent to implement GO (MS) No. 06 Welfare of Differently Abled Persons (DAP-3.2) Department dated 21.06.2025 by earmarking 4 percent of the total promotional vacancies for the persons with Benchmark Disabilities (PWBDs) and to consider the petitioner for promotion under the said quota with all consequential benefits and pass

For Petitioner(s): Ms.Usha Ramman

For Respondent(s): Mr.V.Balamurugane

**ORDER****(Order of the Court was made by S.M.Subramaniam J.)**

Writ on hand has been instituted challenging the order dated 17.09.2025 passed by the learned Principal District Judge, Ariyalur stating that in respect of the claim of the petitioner for promotion, applicability along with the notification of selected categories of post for the persons with Benchmark Disability is yet to be done in the Judicial Department. Consequently, the application was rejected.

2. Learned counsel for the petitioner would submit that beyond the appointment under Section 34 of the Right of Persons with Disabilities Act, 2016, 4% for grant of promotion is also to be awarded to the differently abled candidates.

3. Learned counsel for the respondent would submit that Government issued G.O.Ms.No.3, Welfare of Differently Abled Persons (DAP-3.2) Department, dated 28.01.2026 and the Government order was issued as per Section 33(1) of the Right of Persons with Disabilities Act, 2016. Accordingly, posts were identified and notified by the Government. However, notification issued by the Government does not include the Judicial department and therefore, promotions are not granted by applying 4% reservation under Section 34 of the Act.



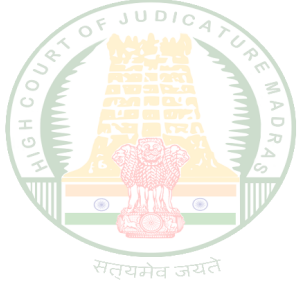
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4. Section 34(1) of the Act states that *“Every appropriate Government shall appoint in every Government establishment, not less than four per cent. of the total number of vacancies...”*. However, proviso clause states that *“.. reservation in promotion shall be in accordance with such instructions as are issued by the appropriate Government from time to time”*. As far as judicial department is concerned, no such notification has been issued by invoking the proviso clause nor the posts are identified for grant of promotion. Under these circumstances, the case of the petitioner was not considered.

5. In respect of implementation of 4% reservation for PWD, paragraph Nos. 12 and 13 of the counter affidavit filed by the respondent reads as under,

“12. I submit that the 4% reservation for PwD is being strictly followed at the direct Recruitment Posts in all recruitments already made by the Ariyalur District Judiciary. Even this Writ Petitioner with LD (Locomotors Disability) and one more candidate with HH (Hard of Hearing) disability had got recruited in this 40 Office Assistants notification itself. More than 6% of PwD staff are currently working at the Ariyalur District Judiciary. Therefore the claim of this Writ Petitioner as if 4% reservation is not followed at the Ariyalur District Judiciary is false and baseless.

13. I submit that section 34 of the Act envisages reservation of not less than 4% of the total number of vacancies. The said reservation is to provide employment to the differently abled persons



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and as such the Ariylaur District Judiciary has more appropriately provided the said reservation with reference to the direct recruitment quota. There is no policy of reservation in promotion as on date. This apart, a careful perusal of the Act would go to show that the provision of non-discrimination as well as the reservation are meant for employment of disabled persons and not for any fast forward career progression. As such, the policy as existent as on date is in compliance with Articles 14 and 16 of the Constitution of India.”

6. In view of the above provision, the writ petition is dismissed. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

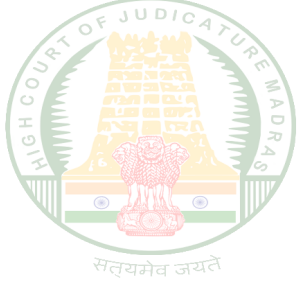
(S.M.S.,J.) (N.S.,J.)
28-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

GD

To

1. The Registrar General,
High Court of Madras, Chennai-104
2. The Principal District Judge
Ariyalur



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**S.M.SUBRAMANIAM, J.
AND
N.SENTHILKUMAR, J.**

GD

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