

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI
W.P.No.24563 of 2018 and WMP No.28598 of 2018

Srinivasan

..Petitioner

Vs

1. Government of Tamil Nadu,
Represented by its Secretary,
Personnel and Administration Department,
Chennai.
2. Tamil Nadu Public Service Commission,
Rep. By its Secretary,
Chennai

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus directing the 2nd respondent to call the petitioner for certificate verification as differently abled person in Special Category for the Combined Civil Services (GROUP - IV) direct recruitment as per the notification 23/2017 dated 14.11.2017.

For Petitioner : Mr.S.Muthukrishnan

For Respondents: Mrs.R.Janaki

Additional Government Pleader for R1

Mr.M.Loganathan

Standing Counsel for R2

ORDER

As it appears that the petitioner had applied against the Physical Disability quota of 4% on the ground that he has suffered the disability of mental illness. The case of the petitioner is that though he wrote the examination and secured 91.50 mark which is more than the cut-off mark of 90 in the physical disability quota but he was not called for Certificate Verification by the 2nd respondent / the Tamil Nadu Public Service Commission and as such, the petitioner has come forward to file this writ petition seeking for a direction to the 2nd respondent to give a call to the petitioner for certificate verification as differently abled person in special category.

2 During the course of hearing, the learned counsel appearing for the petitioner submits that the petitioner suffers from mental illness and as such, he is coming under the physical disability category, therefore, he having secured more than the

last cut off in that category in the recruitment examination in question, he should have been given a call for certificate verification. However, the same was illegally denied to him and hence, he challenges such illegal and arbitrary action of the respondents in this writ petition and seeks the relief as stated above and also made an interim prayer to keep one post reserve, pending disposal of the writ petition, the same may be granted pending disposal of the writ petition submits the learned counsel for the petitioner.

3. Mr.M.Loganathan, learned counsel appearing for the 2nd respondent submits that in the advertisement made, the aforesaid physical disability was not covered in the Physical disability criteria. Since the petitioner was not coming within the criteria fixed even though he had secured more than the cut off, he was not given the call. Knowing well the criteria of physical disability, the petitioner having participated in the examination now he cannot be heard of challenging the same. Hence, the writ petition filed is liable to be dismissed at the stage of admission.

4. However, the learned counsel appearing for the petitioner submits that the aforesaid advertisement is contrary to the statute provisions and as such, he has made out a case.

5. Be that as it may, since in this case the petitioner knowing well that mental illness is not included as a physical disability in the advertisement made still applied for physical disability criteria and wrote the examination without challenging the same, thereafter when he was not given call, he has come to challenge the same to be contrary to the statute and seeking the relief as stated earlier. In such premises, this Court is of the view that the petitioner who knowing well that the aforesaid physical disability is not included, represented himself as a physical disability person and when not given call for certificate verification even though he secured more than the cut off, he now cannot be heard of challenging his non selection on the ground stated at this stage. Accordingly, I am not inclined to entertain this writ petition of the petitioner seeking writ of Mandamus and pending disposal of the same to keep one post reserve and therefore, this writ petition stands dismissed at the stage of admission. Consequently, the connected miscellaneous petition is also closed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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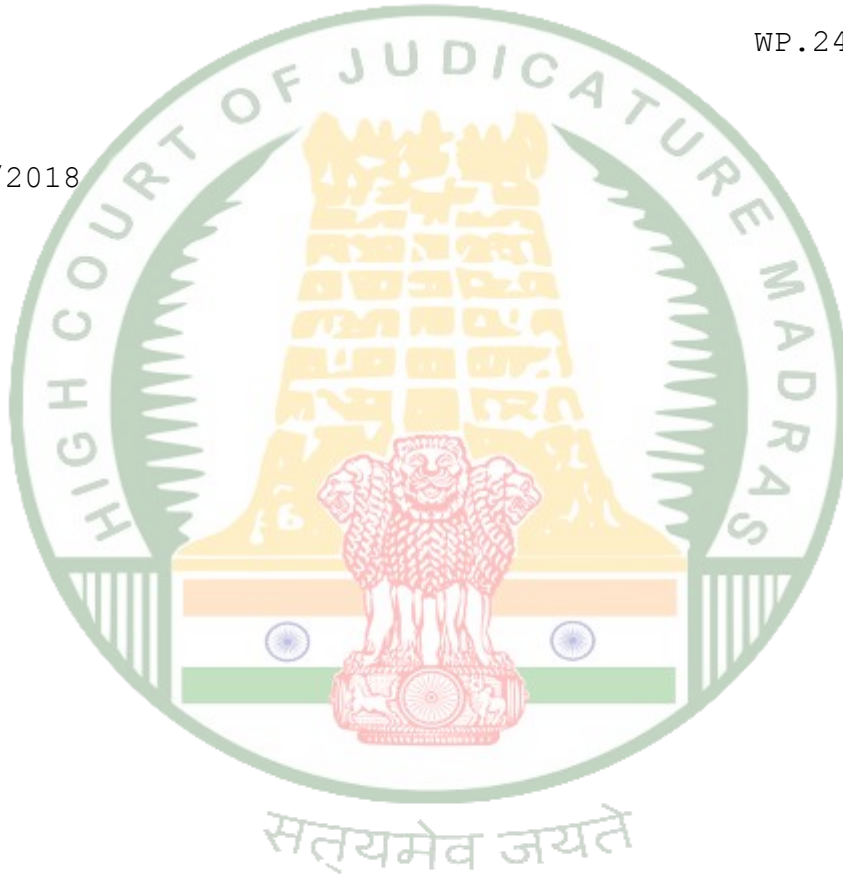
To

1. Government of Tamil Nadu,
Represented by its Secretary,
Personnel and Administration Department,
Chennai.
2. Tamil Nadu Public Service Commission,
Rep. By its Secretary,
Chennai

WP.24563 of 2018

VBA (CO)

rrs 18/09/2018



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