



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESEVALU

W.P.No.22642 of 2021

College Students & Graduates Association
of the Blind (CSGAB)
rep. by its General Secretary
A.Manikannan
Thakkar Baba Vidhyalaya
Venkatanarayana Road
T.Nagar, Chennai - 600 017.

.. Petitioner

vs.

1. The Registrar General
High Court of Madras
Chennai - 600 104.
2. Commissionerate for the Welfare
of Differently Abled
No.5, Kamarajar Salai
Lady Wellington College Campus
Chennai - 600 005.
3. The Chief Secretary
Government of Tamil Nadu
Secretariat, Chennai - 600 009.
4. The Secretary to Government
Law Department, Government of Tamil Nadu
Secretariat, Chennai - 600 009.
5. The Secretary to Government
Department of Welfare of Differently-abled Persons
Government of Tamil Nadu
Secretariat, Chennai - 600 009.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the first respondent to conduct re-examination afresh for the visually



4. It is further pointed out on behalf of the respondents that the nature of the duties of those who would be employed had been clearly indicated in the notification that invited applications for Chobdars, Office Assistants, Cooks, Watermen, Room Boys, Watchmen, Book Restorers and Library Attendants in the Madras High Court service. Paragraph 8 of the relevant notification of March 14, 2021 provided, inter alia, as follows:

"8. NATURE OF DUTIES:

- a. The selected candidates to the Posts of Chobdar, Office Assistant, Waterman, Watchman and Room Boy will be deputed to the Courts or office to do Office work or to the residences of the Hon'ble Judges or Registrars to attend to all domestic duties like cooking, cleaning utensils, washing clothes, mopping floors, cleaning bathrooms, toilets, urinals, lavatories, attending to gardening work etc, depending on the need and exigency.
- b. The selected candidate to the post of Cook will be deputed to attend to cooking, House-keeping, hygiene, house-hold articles maintenance, cleaning, food and beverage service at the Tamil Nadu State Judicial Academy."

5. According to the respondents, the nature of the duties as indicated are such that a person with serious visual impairment or complete visual impairment would not be able to discharge the same. As such, it is submitted that the appendix to the notification indicated to what extent physically challenged candidates would be accommodated.

6. The respondents submit that the initial process of recruitment has been completed and since the notification indicated a three-tier procedure, it is only the third stage which is now left as the first two stages have almost been completed. Accordingly, it is submitted on behalf of the respondents that the present petition cannot be carried forward, nor can any orders be passed permitting any visually impaired candidate to reappear in any examination or be permitted to take the written examination since that part of the exercise has long been completed.

7. The petitioner claims that the procedure followed was faulty and the High Court may not have been adequately sensitive to the needs of the physically challenged, particularly those with visual impairment.

8. Apart from the fact that the recruitment process has progressed beyond the stage where any effective relief can now be granted in favour of the visually impaired aspirants for the relevant posts, it must also be recorded that the notification



was published along with the appendix thereto and such appendix clearly indicated that visually impaired candidates who were not capable of writing the examination themselves would not be welcome. Such a clause implied that the posts for which recruitment was being conducted were such as would not be appropriate for candidates with an extent of visual impairment that prevented them from writing their own papers. Whether it was justified or not is no longer in issue. It was open to all candidates to read all the instructions and the conditions set and, if the petitioner was seriously aggrieved, the petitioner ought to have challenged the conditions set or the rules of the game, so to say. Since it is elementary that the rules of game cannot be changed midway into the game and since the recruitment process in the present case has progressed to the final stage upon considerable public funds being expended in the enormous exercise that took place across the State, no effective relief can be granted to visually impaired candidates aspiring to be recruited to any of the relevant posts.

9. However, it is necessary that this High Court opens up and allows persons with disabilities, including those suffering from any form of vision impairment, to have a level playing field and participate in the process of recruitment at various levels. For such purpose, this court requests Mr.R.Prabhakaran and Mr.B.Vijay, appearing on either side, to put their heads together and make suggestions to be forwarded to the Registrar-General by November 30, 2021 to indicate which of the various posts in the High Court may be suitable for persons with disabilities and, particularly, for persons with visual impairment. For such purpose, the Registrar-General will indicate the various posts and may depute a person to apprise Mr.R.Prabhakaran and Mr.B.Vijay of the nature of the duties discharged by the employees at different posts so that in future recruitment exercises undertaken by the High Court, the fullest opportunity is made available to persons with disabilities, particularly those suffering from any visual impairment, to participate in the process and apply to be recruited to such posts where the duties may be also carried out by persons with disabilities, including persons with visual impairment.

W.P.No.22642 of 2021 is disposed of. There will be no order as to costs.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

sasi



To:

1. The Registrar General
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Chennai - 600 104.
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SRA(CO)
SU(11/11/2021)