



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD) No.3841 of 2019

and

W.M.P (MD) Nos.3001 and 3002 of 2019

R.C.Prasanth

... Petitioner

Vs.

1.The Secretary,
TNPSC,
Chennai.

2.The Secretary,
Agriculture Department,
Government of Tamilnadu,
Chennai.

3.The Secretary,
Welfare of Differently Abled Persons Department,
Government of Tamilnadu,
Chennai.

4.The Director of Agriculture,
Chepauk, Chennai- 600 005.

...Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned Notification of the candidate selected for the post of Agricultural Officer (Extension) in the Tamilnadu Agricultural Extension service 2015-2019 dated 01/02/2019 on the file of 1st respondent and quash the same in so far as the non selection of the petitioner and set aside the same and directing the 1st respondent to appoint the petitioner as Agricultural Officer in the 2nd Respondent department.

For Petitioner : Mr.N.Murugesan

For R2 to R4 : Mr.A.K.Manikkam,
Special Government Pleader.

For R1 : Mr.J.Anand Kumar



ORDER

The notification issued for selection list to the post of Agricultural Officer(Extension) in Tamil Nadu Agricultural Extension Service is under challenge in the present writ petition. Further promotion is sought for to appoint the petitioner.

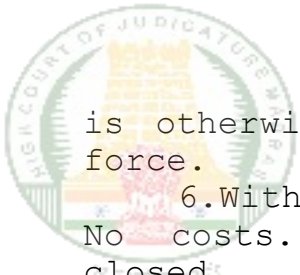
2.The petitioner states that he is fully qualified for selection to the post of Agricultural Officer(Extension) and he participated in the process of selection. However, he was not selected. The petitioner admittedly applied under the category of 80% disability ie., Visually impaired. Even as per the affidavit filed in support of the petitioner is 100% of visually impaired and he has also submitted a medical board certificate to that effect. When the petitioner himself submitted a disability certificate, which would establish that he is 100% visually impaired, the authorities have scrutinized the same and found that the petitioner is not suitable for appointment to the post of Agricultural Officer (Extension), as per G.O.Ms.No.20 Welfare of Differently Abled Persons(DAP.3.2) Department dated 20.06.2018.

3.In this regard Paragraph No.7 of the counter affidavit filed by the Director of Agriculture reads as under:

"7.As regards the averments made in paragraph 5, 6 and 7 of the affidavit, the fourth respondent herein approved the Estimate of Vacancy for the year 2015-2016, 2016-2017, 2017-2018 and 2018-2019 as 323 inclusive of 7 carried forward vacancies and 2 shortfall vacancies in ST category. Consequent to the approval of estimate of vacancies for the above years, Notifications were called for by the First respondent herein. Necessary written examinations and interview were conducted. As per G.O.Ms.No.20, Welfare of Differently abled Persons Department, dated 20.06.2018, for the said post, Visually impaired category of disability is not suitable since it is an impediment for discharge of duties. The petitioner is visually impaired, the said category of disability is not eligible for the post of Agricultural Officer(Extension)."

4.This Court is of the considered opinion that differently abled persons are entitled to participate in the process of selection with reference to the nature of disability and in accordance with the rules in force. Once the authorities found that the nature of disability not eligible for appointment, then there is no infirmity as such in respect of non- selection.

5.This being the principles, the petitioner has not established any reason to interfere with the selection process which was already concluded and the selected persons were appointed. The petitioner is at liberty to participate in the process of selection, for which, he



is otherwise eligible in accordance with the Government Order in force.

6.With these observations, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (Admin I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The Secretary,
TNPSC,
Chennai.

2.The Secretary,
Agriculture Department,
Government of Tamilnadu,
Chennai.

3.The Secretary,
Welfare of Differently Abled Persons Department,
Government of Tamilnadu,
Chennai.

4.The Director of Agriculture,
Chepauk, Chennai- 600 005.

+1 CC to M/s.J. ANANDKUMAR, Advocate (SR-21801[F] dated 27/04/2022)

+1 CC to M/s.N. MURUGESAN, Advocate (SR-22178[F] dated 28/04/2022)

+1 CC to M/s.SPL. GP (SR-22998[F] dated 29/04/2022)

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MGJ(02.06.2022) 3P 8C