



W.P.No.5872 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.5872 of 2022 and
W.M.P.No.5971 of 2022

D.Mohanasundaram

... Petitioner

Versus

- 1.State of Tamil Nadu,
Represented by Secretary,
Department of Welfare for Differently Abled Persons,
Fort St.George, Chennai 600 009.
- 2.The Commissioner,
State Commissionerate for Welfare of the Differently Abled,
No.5, Kamarajar Salai,
Lady Wellington College Campus,
Chennai-600 005.
- 3.The Secretary,
Tamil Nadu Public Service Commission TNPSC Road,
V.O.C Nagar, Part Town,
Chennai-600003, Tamil Nadu.
- 4.Government of Tamil Nadu,
Represented by its Secretary,
Department of Health and Family Welfare,
Fort St.George, Chennai 600 009.
- 5.The Director,
Office of the Director of Drugs Control,
No.359, Anna Salai, Teynampet,
Chennai-600006.

... Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue Writ, Order or Direction more in the nature of Writ of Mandamus directing the respondents herein to implement the recommendation of the Second Respondent in proceedings dated 21.10.2021 and accordingly change the physically challenged category to that of Locomotor disability (LD) from Low Vision (LV) and implement the backlog vacancies of 5 posts in the category of drug inspector and accordingly select and appoint the petitioner to the post of Drugs Inspector with all service and monetary benefits from the date when the others were appointed vide the Notification of the Third Respondent Commission in Notification No.15 of 2019 dated 12.04.2019 by taking into consideration the fact that the petitioner has obtained one of the highest marks amongst the physically challenged category.

For Petitioner	:	Mrs.Dakshayani Reddy, Senior Counsel for Ms.Suneetha
For R1, R2, R4 & R5	:	Mr.P.Balathandayutham, Special Government Pleader
For R3	:	Ms.G.Hema

ORDER

This Writ Petition has been filed to direct the respondents to implement the recommendation of the 2nd respondent in proceedings, dated 21.10.2021 and accordingly, change the physically challenged category to that of Locomotor Disability (LD) from Low Vision (LV) and implement the backlog vacancies of five posts in the category of Drugs Inspector and accordingly select and appoint the petitioner to the post of Drugs Inspector with all service and monetary benefits from the date when the others were appointed vide the notification of the 3rd respondent in Notification No.15 of



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2019, dated 12.04.2019 by taking into consideration the fact that the petitioner has obtained one of the highest marks amongst the physically challenged category.

2.The fact remains that in a public notification issued by the 3rd respondent in Notification No.15/2019, dated 12.04.2019 for filling up the post of Drugs Inspector in the Tamil Nadu Medical Service and Junior Analyst in the Tamil Nadu Medical Subordinate Service, the followings are the Distribution of Vacancies for the post of Drugs Inspector:

GT (G)	GT (G) (PS TM)	GT (W)	BC (O BC M) (G)	BC (O BC M) (G) (PS TM)	BC (O BC M) (G) (D AP - LV)	BC (O BC M) (W)	BC (M) (W)	M BC /D C (G)	M BC /D C (G) (PS TM)	M BC /D C (W)	M BC /D C (W) (PS TM)	SC (G)	SC (G) (PS TM)	SC (G) (D AP - LD, CP, LC, DF, AC)	SC (W)	SC (A) (G)	ST (G)	TO TAL
7	2	3	6	1	1	3	1	5	1	1	1	2	1	1	2	1	1	40

3.The grievance of the petitioner is that the physically challenged category as notified by the 3rd respondent has to be changed to that of Locomotor Disability (LD) from Low Vision (LV). The contention of the



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petitioner is that since there was no candidate available in the category of

Low Vision (LV) as notified in the notification, the post has not been filled.

It is the further contention that the next selection process will take place after ten years, by the time, the petitioner, who comes within the ambit of Locomotor Disability (LD) will not get any chance and his age will be barred.

4.It is brought to the notice of this Court that after realizing the mistake crept in the notification and also considering the clarification sought by the 3rd respondent to include the Locomotor Disability (LD), the Government brought an Amendment vide G.O.(Ms)No.9, Welfare of Differently Abled Persons (DAP-3.2) Department, dated 23.03.2023. The Amendment is as follows:-

“6.After careful examination, the Government decided to accept the above requests and to amend with modification in G.O.Ms.No.20, Welfare of Differently Abled Persons (DAP-3.2) Department, dated 20.06.2018 as follows:-

<i>Sl. No.</i>	<i>Name of the Post</i>	<i>Name of the Service</i>	<i>Categories of disabilities to be accommodated</i>
<i>Health and Family Welfare Department</i>			



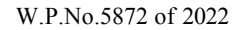
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<i>Sl. No.</i>	<i>Name of the Post</i>	<i>Name of the Service</i>	<i>Categories of disabilities to be accommodated</i>
37.	Drugs Inspector	Tamil Nadu Medical Service	LD (Lower limbs – 40-70%)
<i>Housing and Urban Development Department</i>			
175.	<i>Assistant Director (Town and Country Planning)</i>	<i>Tamil Nadu General Service</i>	<i>LV, HH, LD (OA, OL), LD (Others), AC, LC, DF.</i>
<i>Home, Prohibition and Excise Department</i>			
166.	<i>Civil Judge and District Judge (entry level)</i>	<i>Tamil Nadu State Judicial Service)</i>	<i>LV, HH, LD (OA, OL, BL), LC, DF, AC, CP, Mud.”</i>

Now, the LD (Lower limbs – 40-70%) has been included in the Amendment.

5.The learned counsel appearing for the 3rd respondent submitted that since no candidate was available in the Low Vision (LV) category, one post notified in the Notification, dated 12.04.2023 has not been filed. Normally, it will be carry forwarded to the next notification, however, it is stated that the next selection process for the post of Drugs Inspector will take place every ten years.

6.Such being the position, this Court is of the view that the petitioner, who is already under the category of Locomotor Disability (LD)



i.e., till the next selection.

dated 12.04.2019.

Consequently, the connected Miscellaneous Petition is closed. No costs.

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Index : Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

Speaking Order/Non-Speaking Order

To

- 1.The Secretary,
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- 2.The Commissioner,
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