



W.P.No.3280 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2025

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.3280 of 2018 and
W.M.P.No.4033 of 2018

R.Ramesh

... Petitioner

Vs.

1.The Chief Secretary,
St.George Fort,
Secretariat,
Chennai 600 009.

2.The Secretary,
Personal and Administrative Department,
St.George Fort,
Secretariat, Chennai -9.

3.The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
Park Town, Chennai - 3.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondents 1 and 2 to follow one percent (1%) reservation for cerebral palsy candidates in appointments and consequently, direct the 3rd respondent to consider the



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petitioner as cerebral palsy candidate and give 1% reservation in the combined Civil Services Examination - II (interview posts) (Group II Services) in Notification No.7/2015 dated 30.04.2015 based on the representation dated 08.01.2018 and 07.02.2018.

For Petitioner : Mr.K.Murugesan

For Respondents : Mr.T.Chezhiyan, AGP for R1 & R2
Ms.G.Hema, Standing Counsel for R3

ORDER

This Writ Petition has been filed to issue a Writ of Mandamus to direct the respondents 1 and 2 to follow one percent (1%) reservation for cerebral palsy candidates in appointments and consequently, direct the 3rd respondent to consider the petitioner as cerebral palsy candidate and give 1% reservation in the combined Civil Services Examination - II (interview posts) (Group II Services) in Notification No.7/2015 dated 30.04.2015 based on the representations dated 08.01.2018 and 07.02.2018.

2. Heard Mr.K.Murugesan, learned counsel for the petitioner, Mr.T.Chezhiyan, learned Additional Government Pleader for the first and



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second respondents and Ms.G.Hema, learned Standing Counsel for R3 and perused the materials available on record.

3. The petitioner had applied to the Group-II posts in response to the notification of the third respondent in Notification No.7 / 2015 dated 30.04.2015 for the year 2014-15 and 2015-16. The petitioner had cleared the preliminary and main examination and he was asked to appear for certificate verification on 07.12.2017. The petitioner participated in the certificate verification and thereafter, he was not given with any appointment order.

3.1. The list released by the third respondent for provisional admission to oral test was in the ratio 1:2. The petitioner's Register Number was not found in the provisional admission to oral test. On the other hand, his Register Number 010115001 was published in the heading of the candidates whose Register Number have not been considered as they have not reached the zone of consideration for provisional admission to oral test in the ratio 1: 2. The petitioner came to



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know that the third respondent did not follow the reservation for differently-abled person and now, 3% reservation is increased to 4% as per the recent amendment, particularly, 1% reservation given to the candidates affected with cerebral palsy. Therefore, the petitioner was not called for oral test.

4. The learned counsel for the petitioner submitted that if the third respondent followed the reservation for differently-abled person scrupulously, the petitioner would have got an order of appointment. But, the same was not done.

5. The learned Standing Counsel for the third respondent submitted that as per the selection process, the candidates will be admitted for oral test in the ratio of 1:2. The petitioner who did not reach the zone of consideration for the oral test, cannot be called to attend the oral test. It is further submitted that the rule of reservation for physically challenged candidates was increased from 3% to 4% only by virtue of an amendment issued through the Government of India Act No.49 of 2016 with effect from 19.04.2017.



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6. Admittedly, the petitioner had applied to the Group - II posts during the year 2014-15 and 2015-16 at which time, the reservation has not been increased from 3% to 4% and also there was no exclusive 1% reservation for Cerebral palsy candidates. In fact, the Government had issued a Government Order in G.O.Ms.No.21, Welfare of Differently Abled Persons (DAP-3.2) Department dated 30.05.2017 based on the Government of India Act No.49 of 2016 dated 19.04.2017.

7. According to the petitioner as per the selection process for the oral interview, candidates should be admitted in 1:3 ratio. But, the learned Standing Counsel for the third respondent contended that the persons for oral interview has been called in 1:2 ratio. Whatever may be the case, the fact remains that even the candidate who belongs to differently-abled persons' category, cannot be expected to call upon to attend the interview unless he clears preliminary and main examination and reaches the zone of consideration in the ratio 1:2 for the oral test.

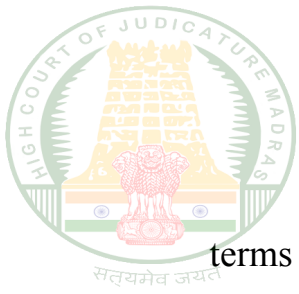


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8. From the general information given in the third respondent's notification in No.7/2015 in clause No.I, it has been categorically stated that 3% reservation for differently-abled person is applicable for recruitment except for the posts of Junior Employment Officer and Assistant Inspector of Labour. So, it would make it clear that at the relevant point of time, the percentage of reservation remained only 3% and it has been increased to 4% only in the year 2017. To be noted that as per the above notification, there is no exclusive reservation of 1% is allotted to candidates affected with cerebral palsy.

9. In the additional counter filed by the third respondent, the marks obtained by the petitioner in main written examination has been shown as 63%. The persons who have got the higher marks than the petitioner under the same category will automatically reach the zone of consideration. In fact the petitioner has not challenged the notification which explicitly stated that the reservation for disabled persons have been kept at 3%. Having participated in the recruitment by accepting the



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terms of recruitment as found in the notification No.7/2015, now the petitioner cannot turn around and seek a direction to the respondents to follow 1% exclusive reservation for cerebral palsy candidates and also for a consequential direction. Obviously, the petitioner who did not reach the zone of consideration for oral test, did not receive the call letter for interview. As the petitioner did not establish any right of appointment in order to qualify him to get the relief sought, no positive order can be granted in favour of the petitioner.

10. In view of the above stated reasons, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
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R.N.MANJULA, J.

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To

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