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W.A No. 2744 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-09-2025

CORAM

**THE HON'BLE MR JUSTICE R.SURESH KUMAR**

**AND**

**THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR**

**W.A No. 2744 of 2025**

**and**

**CMP.No. 22035 of 2025**

Teachers Recruitment Board,  
(Recruitment of Secondary Grade Teachers  
for Elementary Schools)  
College Road,  
Chennai-600006.

Vs

..Appellant

1.K.Sudarmathi

2.The Secretary,  
Department of Education,  
Government of Tamilnadu,  
St.Geroge Fort, Chennai.

3.The Director,  
Directorate of Elementary Education,  
Chennai-600006.



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4. The Commissioner for Welfare of Differently Abled,  
State Commissionerate for Welfare of Differently Abled,  
No. 5, Kamarajar Salai,  
Lady Willington College Campus,  
Chennai-600005.

5. The District Officer for Disabled Personnel,  
The District Disabled Personnel Office,  
District Collectorate Office,  
Dharmapuri -636705.

..Respondents

Writ Appeal is filed under Clause 15 of Letter Patent to set aside the  
order dated 21.12.2023 passed in W.P.No. 21040 of 2009.

**For Appellant:** Mr. R.Neelakandan, AAG

Asst. by Mr C. Kathiravan, Standing Counsel

**For Respondents :** Mr.S.Sathiaseelan – R1

Mr.J.C. Durairaj, AGP – R2 & R3

Mr. E.Vijay Anand, R4 & R5



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## JUDGMENT

(Made by **HEMANT CHANDANGOUDAR, J.**)

This intra-Court appeal is directed against the order dated 21.12.2023 passed by the learned Single Judge in W.P. No. 21040 of 2009. By the said order, the learned Single Judge directed the appellant to select and recommend the name of the first respondent/writ petitioner to the third respondent, and in turn, the third respondent was directed to appoint the first respondent/writ petitioner to the post of Secondary Grade Teacher.

2. The facts leading to the present appeal are as follows. Pursuant to the notification dated 12.01.2009 issued by the appellant, the first respondent/writ petitioner submitted her application seeking consideration for selection and appointment to the post of Secondary Grade Teacher under the 1% reservation provided for the hearing impaired category. On learning that similarly situated candidates had been selected and appointed, the writ petitioner made several representations to the appellant requesting selection and appointment to the said post. However, no orders were passed on her request. The writ petitioner, asserting that she was fully qualified and eligible for appointment, approached



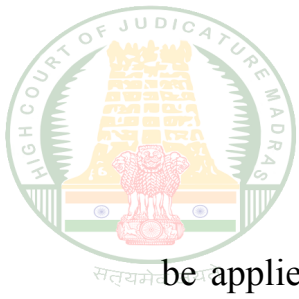
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this Court by filing W.P. No. 21040 of 2009 seeking a writ of mandamus, which was allowed by the learned Single Judge under the impugned order.

3. Mr. R. Neelakandan, learned Additional Advocate General appearing for the appellant, submitted that the first respondent/writ petitioner does not satisfy the eligibility criteria as per the guidelines issued by the Department of Empowerment of Persons with Disabilities vide notification dated 05.01.2018, published in the Gazette of India. It was contended that in view of the said guidelines, the learned Single Judge erred in directing the appointment of the writ petitioner, and therefore, the impugned order is not legally sustainable.

4. Per contra, Mr. S. Sathiaselvan, learned counsel appearing for the first respondent/writ petitioner, submitted that the recruitment notification was issued in 2009 and therefore the rules and criteria applicable at that time alone are relevant. The writ petitioner, who is suffering from 60% hearing impairment, was fully qualified and eligible to be considered under the 1% quota reserved for hearing impaired persons under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. The learned counsel further submitted that the guidelines issued in 2018 cannot



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be applied retrospectively, and therefore, the learned Single Judge had rightly held that the writ petitioner was entitled to appointment. It was thus contended that the order of the learned Single Judge does not suffer from any illegality or infirmity warranting interference by this Court.

5. We have carefully considered the rival submissions advanced by the learned counsel for the parties and have perused the materials placed on record.

6. It is not in dispute that the appellant issued a notification dated 12.01.2009 inviting applications for recruitment to 5773 posts of Secondary Grade Teachers in the Tamil Nadu Elementary Educational Subordinate Services for teaching Standards I to IV in Elementary and Middle Schools, covering all mediums of instruction including Tamil medium. The writ petitioner, who possessed the requisite qualifications, applied under the 1% quota reserved for candidates suffering from hearing impairment. Her candidature, however, was not considered, which compelled her to approach this Court.



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7. The learned Single Judge relied upon Section 2(t) of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (hereinafter referred to as “the Act, 1995”), which defines a “person with disability” as a person suffering from not less than forty percent of any disability as certified by a medical authority. The Act, 1995 provides for 3% reservation in favour of persons with disabilities, out of which 1% is earmarked for hearing impaired persons. The writ petitioner produced a disability certificate issued by the competent authority certifying that she suffers from 60% hearing impairment.

8. Before the learned Single Judge, the learned Additional Advocate General appearing for the State did not dispute the fact that the writ petitioner was suffering from 60% hearing impairment. He, however, raised a doubt as to the genuineness of the disability certificate. To resolve this, the certificate was referred to the Commissioner for the Welfare of Differently Abled, who submitted a report affirming its genuineness.



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9. Upon considering all these aspects, the learned Single Judge concluded in paragraph 28 of the order as follows:

*“28. This Court is of the considered view that the petitioner is eligible for appointment to the post of Secondary Grade Teacher for the following reasons:*

- (i) The petitioner suffers from 60% hearing impairment.*
- (ii) 1% of the total posts are reserved for the hearing impaired category.*
- (iii) The petitioner’s application was duly accepted by the Teachers Recruitment Board.*
- (iv) The petitioner successfully completed the two-year teacher training course, including teaching practice.*
- (v) If the petitioner was not eligible for appointment, the respondents ought not to have admitted her to undergo the training course for two years.”*

10. We find ourselves in complete agreement with the reasoning of the learned Single Judge. The recruitment notification was issued in 2009, long before the issuance of the 2018 guidelines. The eligibility of the writ petitioner must therefore be determined with reference to the rules and statutory provisions applicable at the relevant time, namely, the Act, 1995. The writ petitioner, having been certified to suffer from 60% hearing impairment, clearly



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fell within the ambit of “person with disability” under Section 2(t) of the Act, 1995. The denial of appointment to her despite her qualification and eligibility is arbitrary, discriminatory, and violative of her statutory rights.

11. In view of the foregoing discussion, we are of the considered opinion that the learned Single Judge was justified in allowing the writ petition and directing the appointment of the writ petitioner. We find no illegality or infirmity in the impugned order warranting interference in this appeal.

12. Accordingly, the writ appeal fails and is dismissed. Consequently, the connected miscellaneous petition is closed. There shall be no order as to costs.

(R.S.K.,J)

(H.C., J)

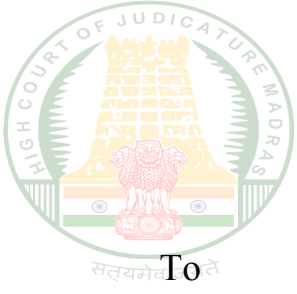
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Index : Yes / No

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Neutral Citation : Yes / No

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**and**  
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