



WEB COPY



W.P.No.19683 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2025

CORAM :

THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.No.19683 of 2025
and W.M.P.No.22063 of 2025

R.Balachandar

...Petitioner

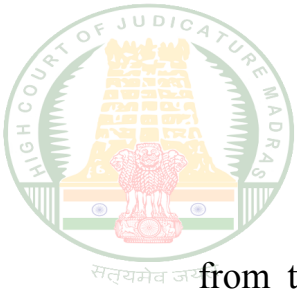
Vs.

1.Union of India,
rep. by The Indian Council of Medical Research,
Ansari Nagar, Post Box No.4911, New Delhi.

2.The Director,
Victor Control Research Centre,
Medical Complex, Indira Nagar,
Puducherry.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the order dated 11.02.2025 made in O.A.No.319 of 2017 on the file of the Central Administrative Tribunal, Chennai Bench and quash the same and direct the respondents to appoint the petitioner in the post of Lower Division Clerk on the basis of the selection process conducted by the respondents in pursuance to the Notification dated NIL and the selection process held on 24.01.2016 and 15.03.2016, with effect



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from the date on which other candidates were appointed with all other consequential benefits.

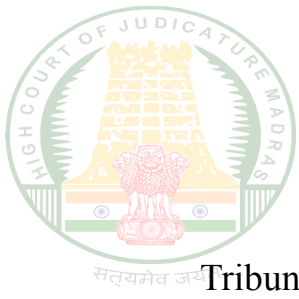
For Petitioner : Mr.D.Rajagopal

For Respondents : Mr.K.Srinivasamurthy
SPCCG

ORDER

(Order of the Court was made by *M.S.RAMESH, J.*)

The petitioner herein, who is an hearing impaired candidate with 51% disability, had participated in the selection process, pursuant to the notification issued by the second respondent herein for the post of Lower Division Clerk (LDC) in the pay band of Rs.5200-20200 + Grade Pay Rs.1900. Among the two posts of LDC, one post was reserved for persons with disability. The petitioner was assigned with Application No.26106. One of the essential qualification prescribed in the recruitment notification was that the applicant should successfully complete the skill test after the written examination. Though the petitioner had scored 30.5 marks out of 100 marks in the written examination, he failed in the skill test and 0 marks was awarded to him. Challenging the disqualification, he had filed an Original Application in O.A.No.319 of 2017 before the Central Administrative Tribunal, Chennai Bench (hereinafter referred to as 'the



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Tribunal') and sought for appointment to the post of LDC. The Tribunal had taken note of the fact that the applicant had failed in the skill test and therefore would not be entitled for appointment and accordingly dismissed the application on 11.02.2025. This order of the Tribunal is assailed in the present Writ Petition.

2. It is not in dispute that the petitioner had obtained only 0 marks in the skill test, since he did not complete the passage within the given time. As per the Indian Council of Medical Research (ICMR) guidelines, the applicant, who do not qualify the skill test, cannot be considered for the post of LDC. The skill test, being an essential qualification and the petitioner having failed to qualify in it, cannot, as a matter of right, claim appointment.

3.The learned counsel for the petitioner would submit that since one post was reserved for persons with hearing disability, the respondents ought to have considered the petitioner's candidature.

4.Before the Tribunal, the respondents had set forth the fact that five



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persons under physically handicapped category had appeared for the skill test and four of them, including the petitioner herein, had failed. Even the remaining one candidate, though had succeeded in the skill test, had failed in the written examination and therefore, she was also not selected.

5. When an essential requirement in the recruitment notification is not complied with by the petitioner herein, we fail to understand as to how he can seek for appointment to the post of LDC. The Tribunal had also rightly appreciated these aspects and rejected the petitioner's plea.

6. In the result, we do not find any reasons to interfere with the said order of the Tribunal and accordingly, the Writ Petition stands dismissed. Consequently, connected miscellaneous petition is closed. No costs.

[M.S.R, J.] [V.L.N, J.]
03.06.2025

Index: Yes
Speaking order
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