



WEB COPY

W.P.No.23344 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on: 28.07.2025	Pronounced on: 20.08.2025
-----------------------------------	-------------------------------------

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESHand**THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN**

W.P.No.23344 of 2023
and W.M.P.No.22884 of 2023

1.Union of India Rep by the Director General,
 Central Institute of Plastics Engineering &
 Technology – CIPET,
 Department of Chemicals & Petro Chemicals,
 Ministry of Chemicals & Fertilisers,
 TVK Industrial Estate, Guindy, Chennai – 600 032.

2.The Director (Administration),
 Central Institute of Plastics Engineering &
 Technology – CIPET,
 Department of Chemicals & Petro Chemicals,
 Ministry of Chemicals & Fertilisers,
 TVK Industrial Estate, Guindy, Chennai – 600 032.

3.Joint Director & Head,
 Central Institute of Plastics Engineering &
 Technology – CIPET,
 Centre for Skilling & Technical Support,
 Plot No.107/43, Chavan Colony,
 Theerthroop Nagar, Near WCL Quarters,
 Chandrapur - 442 401,
 State of Maharashtra.

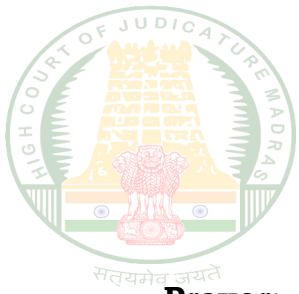
.. Petitioners

Vs.

1.T.Padmadeepan

2.The Registrar,
 The Central Administrative Tribunal,
 Chennai Bench, Chennai – 600 104.

.. Respondents



W.P.No.23344 of 2023

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the entire records of the impugned order dated 03.02.2023 passed in O.A.No.45 of 2021 by the Central Administrative Tribunal, Chennai Bench and quash the same.

For Petitioners : Mr.AR.L.Sundaresan
Additional Solicitor General
for Mr.S.Joseph Gunasekar

For R1 : Mr.K.Raja
for Mr.N.Kolandaivelu

ORDER

(Order of the Court was made by V.LAKSHMINARAYANAN, J.)

The petitioners seek for the following relief:

“to issue a Writ of Certiorari, calling for the entire records of the impugned order dated 03.02.2023 passed in O.A.No.45 of 2021 by the Central Administrative Tribunal, Chennai Bench and quash the same.”

2.For the sake of convenience, the parties will be referred to as per their ranks before the Tribunal.

3.The applicant moved the Tribunal seeking for the following reliefs:

“To call for the records relating to the order dated 24.12.2020 in CIPET HO/Dir(Admin)/Canc_App_Ord/TP/2020/484 passed by the 2nd respondent and quash the same and consequently direct the respondents to give



WEB COPY



W.P.No.23344 of 2023

posting to the applicant as Assistant Technical Officer (Trainee)-Skill Development/Processing/Testing) at CIPET, CSTS, Chandrapur with effect from 05.02.2020 with all monetary, seniority and other attendant benefits.”

4.The applicant pleaded that he is a B.Tech graduate in Plastic Technology. He was appointed as Assistant Technical Officer (Fellow) in Central Institute of Plastics Engineering and Technology (hereinafter referred to as 'CIPET') at Aurangabad. The employment was on a contractual basis for a period of two years. After undergoing medical test, he joined CIPET, Aurangabad, on 21.06.2013. He continued in the said post till 19.06.2016. At the time of being relieved from CIPET, Aurangabad, he was certified as a sincere, hard working officer with good moral conduct.

5.Yet again, the applicant was selected as Lecturer (Plastic / Polymers) by CIPET-Centre for Skilling and Technical Support (CSTS), Vijayawada. This too was a contractual service for a period of three years. He joined duty at Vijayawada on 24.01.2018. During his service at Vijayawada, he secured an employment at LUCAS TVS. Hence, on his request, he was relieved on 11.09.2018.

6.CIPET issued a recruitment notification dated 26.09.2018, for the post of Assistant Technical Officer (Trainee). The applicant applied for the

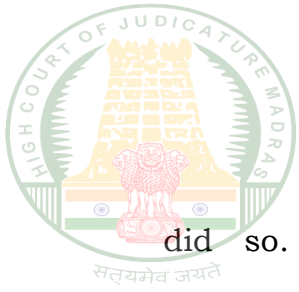


W.P.No.23344 of 2023

said recruitment and participated in the recruitment process. He came out successful and was issued an appointment order on 26.12.2019. The place of posting was CIPET, CSTS, Chandrapur. Clause 12 & 13 of the appointment order stated that the appointment is subject to the applicant fulfilling the eligibility criteria of age, experience, qualification and medical fitness.

7.Pursuant to this order, the applicant underwent medical test at MIOT Hospital, Chennai. The said Hospital is an authorized one for medical examination by CIPET, Chennai. As per the practice followed in the Hospital, the medical examination reports were directly sent to CIPET. Having undergone his medical examination, the petitioner reported to Chandrapur to join duty. He was not allowed to join duty on 05.02.2020. He was informed that he cannot join duty on account of non-receipt of medical fitness from CIPET, Chennai. On 11.02.2020, he was advised to come over to the head office at Chennai. On 17.02.2020, the applicant met the Director (Administration), who informed him to wait for few days.

8.After the first wave of COVID-19 had subsided, the applicant sent e-mails seeking for completion of process on 02.07.2020 and followed it up with a reminder on 23.07.2020. After a fortnight, on 11.08.2020, the Manager (Administration) called upon the applicant to undergo a medical test for his eyes at Sankara Nethralaya Hospital, Nungambakkam, which he

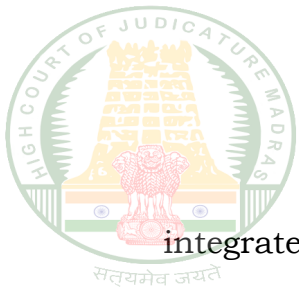


W.P.No.23344 of 2023

did so. Yet again, on 14.09.2020, he underwent another medical examination at Sankara Nethralaya eye research centre at Alandur. He was directed to undergo another medical examination on 15.10.2020, at Sankara Nethralaya, Nungambakkam. This too, he complied with. After a couple of months, on 24.12.2020, the applicant was informed that the order of appointment issued to him stood cancelled. Challenging the same, he approached the Tribunal for the aforesaid relief.

9.The Tribunal took the application onto its file in O.A.No.45 of 2021 and issued notice to the respondents and called upon them to file their reply.

10.The respondents filed a reply stating that his previous contractual employments have absolutely no relevance to the present case. They pleaded that as per clause 13 of the order of appointment, the applicant has to clear the medical examination in order to be eligible for being accepted in employment. They pointed out that MIOT Hospital had reported that the applicant is not in a position to identify any colour palette and that he is colour blind with respect to “red” and “green” colours. Treating this as a serious eye defect, they called upon him to undergo subsequent tests. They urged that an Assistant Technical Officer has to operate and launch machineries and equipment, and unless and until he has accurate colour vision, in particular, to distinguish between red, green and yellow

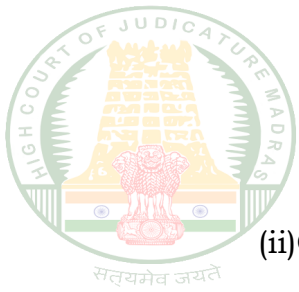


W.P.No.23344 of 2023

integrates, he will not be in a position to operate the machines. They pleaded that in such a situation, there is a possibility of accident, harming the operator and the trainees. They pleaded that the report of the Doctors of the MIOT Hospital was confirmed by Sankara Nethralaya in the subsequent three medical tests and hence, supported the cancellation of the appointment.

11.The Tribunal took up the application for disposal. It found that as per the report of MIOT Hospital, the applicant was found blind with respect to “red” and “green” colours. However, the two subsequent reports submitted by Sankara Nethralaya found him to be normal. It held that the report finding the applicant as colour blind for “red” and “green” was obtained upon insistence by the respondent. It found that a telephonic conversation had taken place between the respondent and the Hospital, and that this interference was unnecessary. On the legal aspects, it found that the Recruitment Notification did not mention any visual or colour standards and neither were they mentioned in any Recruitment Rules. It concluded that rejecting the appointment solely on the basis of the alleged colour vision defect, when such norms are absent, is arbitrary and unjustified. Consequently, it allowed the original application. To reach this conclusion, the Tribunal had relied on the following authorities:

(i) Judgment of the Supreme Court in ***Union of India & others Vs. Satya Prakash Vasisht, 1994 Supp. (2) SCC 52;***



W.P.No.23344 of 2023

(ii) Order of Madurai Bench of this Court in **Mohamed Ibrahim Vs.**

The Chairman & Managing Director, TANGEDCO Ltd.,

W.P.(MD).No.15115 of 2020;

(iii) Judgment of the Gujarat High Court in **Alpeshsinh Vijaysinh**

Chavda Vs. DG of Police in C/SCA No.5515 of 2020 dated 28.10.2020.

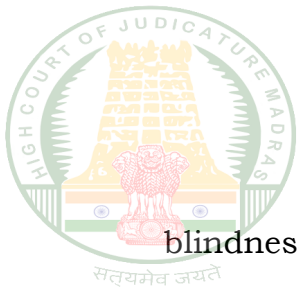
12. Challenging the same, the present writ petition has been filed before this court.

13. We heard Mr. AR. L. Sundaresan, Additional Solicitor General for Mr. S. Joseph Gunasekar and Mr. K. Raja for Mr. N. Kolandaivelu for the respective parties.

14. The learned counsels reiterated the contentions that were placed before the Central Administrative Tribunal.

15. We have gone through the records including the impugned order. We have given our anxious consideration to the submissions made by the learned counsels.

16. The facts set forth above are not in dispute. A perusal of the notification shows that physical standards have not been prescribed. No recruitment rules have been produced before us to show that colour



W.P.No.23344 of 2023

blindness is a disqualification or colour vision standards are essential for the appointment as an Assistant Technical Officer. This shows that the respondents at no point of time contemplated a deficiency in colour differentiation as a ground for declaring the applicant as medically unfit. When there are no rules or regulations to support the rejection of colour blindness, we do not find any error in the order of the Tribunal.

17.The position of law has been settled by the Supreme Court in ***Union of India & others Vs. Satya Prakash Vasisht, 1994 Supp. (2) SCC 52.*** The relevant portions of the judgment are extracted hereunder:

“3.The contention of learned counsel for the appellants is that the expression “shall be free from colour blindness” is applicable both to sub-clauses (i) and (ii) of clause (a) and not merely to sub-clause (ii). It is on this basis that the learned counsel for the appellants supported the non-appointment of the respondent on the ground that he was colour blind. We are unable to accept this contention. Reading the above extract as a whole, it is clear that the requirement that the candidate should be free from colour blindness is only for the post of Drivers and traffic staff in sub-clause (ii) and that does not apply to sub-clause (i) relating to Constables, Head Constables and Sub-Inspectors (Executive). It is obvious that the disqualification of colour blindness has no application to sub-clause (iii) and this was rightly not disputed by learned counsel for the



WEB COPY



W.P.No.23344 of 2023

appellants. In such a situation, the applicability (sic inapplicability) of the disqualification of colour blindness to sub-clause (i) is further supported by the fact that the other expression “visual acuity (both eyes) 6/12 without glasses” is repeated identically in sub-clause (i) also even though it finds place in sub-clause (ii). If the words “shall be free from colour blindness” appearing in sub-clause (ii) were applicable also to sub-clause (i), the other expression “visual acuity (both eyes) 6/12 without glasses” would not have been repeated in sub-clause (i) when it finds place in sub-clause (ii). That apart, there is clearly discernible basis for the disqualification of colour blindness for persons appointed as Drivers and traffic staff, the nature of whose duties are different from that of a Sub-Inspector (Executive). The only contention advanced in support of the appellants cannot, therefore, be accepted.”

18.This view of three Judges Bench of the Supreme Court has been consistently applied by several Courts across the country. We may immediately refer to the judgment of the Punjab and Haryana High Court in **Satish Kumar Vs. State of Haryana in C.W.P.No.13338 of 2008**, dated 29.04.2009, wherein it was held that there was no stipulation as to whether colour blindness would render a person unfit, according to the rules. In **Jasmer Singh Vs. State of Haryana and others, 2017 : PHHC : 057111**, a similar view was adopted. The relevant portions are extracted hereunder:



WEB COPY



W.P.No.23344 of 2023

“Perusal of the advertisement, nowhere physical standard in respect of eye has been prescribed or stipulated. Therefore, the contention of respondents that the petitioner suffering from colour blindness, therefore, he is not entitled to be selected and appointed to post of Assistant Superintendent, Jail, is hereby rejected.”

19.Yet again, in **Ramesh Kumar Vs. State of Haryana, (2025) SCC**

OnLine P&H 2458, at paragraph No.5, the Court held as follows:

*“5.Reliance was also placed on the judgment dated 04.03.2010 passed in **CWP-14795-2009** titled as ‘Nasib Singh v. State of Haryana’ wherein this Court passed a similar order. The operative part thereof reads thus:—*

“Learned counsel for the petitioner has vehemently argued that the rules prescribed only 6) 6 eye sight for Constable and colour blindness cannot be a ground for rejection of the petitioner on medical grounds. In the reply also, the respondents have not shown as to whether the colour blindness can be considered to be a ground for medical unfitness. The only ground taken in the written statement is that the petitioner is also required to serve in the Traffic Police, so he should not be of colour blindness. No rule or regulation or instructions have



WEB COPY



W.P.No.23344 of 2023

been brought on record in this case by the respondents in support of their plea raised above.

...The above said case has been followed by this Court in the case of Satish Kumar v. State of Haryana, (CWP No. 13338 of 2008) decided on 29.04.2009.

In view of the observations of the Hon'ble Supreme Court, this petition is allowed. The impugned order dated 21.08.2007 (Annexure P-3) is hereby quashed and set aside. The respondents are directed to appoint the petitioner on the basis of selection within a period of one month from the date a certified copy of this order is made available to the competent authority. Needless to say, the petitioner shall be entitled to seniority on the basis of the merit adjudged in the selection process, though no financial benefits will be allowed to the petitioner. The salary of the petitioner shall be, however, fixed by giving notional benefits of increments etc.”

21.Further, the view of the Tribunal is in line with that taken by one of us (MSRJ) in **Mohamed Ibrahim Vs. The Chairman & Managing Director, TANGEDCO Ltd., CDJ 2021 MHC 1929:**

“8. Admittedly, such norms have not been prescribed in the notification dated 28.12.2015



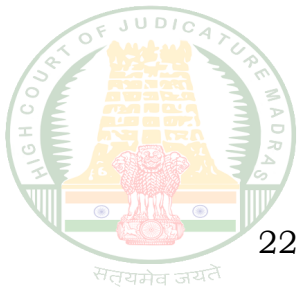
WEB COPY



W.P.No.23344 of 2023

calling for applications to the post of Assistant Engineer (Electrical), nor does the recruitment regulations of TANGEDCO prescribe these norms. While the medical experts have not certified the fitness of the petitioner-s colour vision, the respondents seem to have unilaterally come to a conclusion that the defectiveness in -colour vision-, opined by the medical expert, would be to such a percentage as to hamper the regular duties of an Assistant Engineer (Electrical). Such a decision is not based on intelligible differentia. No reliance has been placed on expert reports or any other material for the respondents to arrive at such a conclusion.

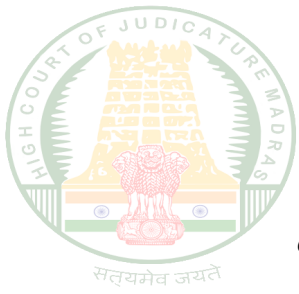
9. The impugned order seems to place much reliance on the duties, responsibilities and functions for the post of an Assistant Engineer (Electrical). In order to ascertain as to whether a candidate holding the post would be disentitled or unfit to perform such duties, functions or responsibilities, the determination requires to be made on the basis of some materials supported by the reports of medical experts. In the absence of such materials or medical report and merely relying upon the duties, functions and responsibilities for the post of Assistant Engineer (Electrical), would be illogical and baseless and hence, such reasoning rendering the petitioner -unfit-, could be termed as arbitrary.”



W.P.No.23344 of 2023

22. We should point out here that the order passed by the learned Single Judge in **Mohamed Ibrahim**'s case was taken on appeal by TANGEDCO to a Division Bench of this Court. The appeal was in W.A.(MD).No.1506 of 2021. By an order dated 30.07.2021, the Division Bench reversed the order of the learned Single Judge and dismissed the writ petition. The matter did not end there. The writ petitioner took the matter on further appeal by way of a Special Leave Petition to the Supreme Court. This appeal in SLP (Civil) No.12671 of 2021 came to be allowed and the order passed by the learned Single Judge was restored. The relevant portions of the said judgment are extracted hereunder:

“17. As noticed earlier, TANGEDCO, has nowhere indicated in express terms, that colour vision deficiency, in any form or degree, is a bar to employment for AE. Its broad argument that a candidate’s level of medical fitness necessary for the discharge of functions and responsibilities, required of the post, is unexceptionable. Yet, that broad formulation is not sufficient ground for it to deny the possibility of any form of accommodation. The need-nay, the entitlement of the appellant to some form of accommodation, in this case, is undeniable, because he is a graduate in electrical engineering. This implies that he has more than basic or essential knowledge of the subject; he has awareness and experience in respect of identification of functions of various kinds of electrical equipment and appliances. A precondition for successfully completing a course in electrical engineering, is practical experience



WEB COPY



W.P.No.23344 of 2023

during the course, about the functions of such equipment and appliances, the possible defects and solutions for their breakdown. The facts of this case instruct us that there is nothing on record to suggest that whatever condition the appellant had, was without his awareness; his academic performance, skill and proficiency, during the course of his education nowhere appears to have highlighted the colour vision deficiency, which appears to have been discovered after his selection. As a condition for his selection, he cleared the public examination successfully, and appears to have also participated in the viva voce or interview, successfully.

....

19. The Act contains a general non-discriminatory provision:

“3. Equality and non-discrimination.

- (1) The appropriate Government shall ensure that the persons with disabilities enjoy the right to equality, life with dignity and respect for his or her integrity equally with others.
- (2) The appropriate Government shall take steps to utilise the capacity of persons with disabilities by providing appropriate environment.
- (3) No person with disability shall be discriminated on the ground of disability, unless it is shown that the impugned act or omission is a proportionate means of achieving a legitimate aim.
- (4) No person shall be deprived of his or her personal liberty only on the ground of disability.



WEB COPY



W.P.No.23344 of 2023

(5) *The appropriate Government shall take necessary steps to ensure reasonable accommodation for persons with disabilities.”*

20. *The twin conditions of falling within defined categories, and also a threshold condition of a minimum percentage, of such disabilities, in fact are a barrier. The facts of this case demonstrate that the appellant is fit, in all senses of the term, to discharge the duties attached to the post he applied and was selected for. Yet, he is denied the position, for being “disabled” as he is colour blind. At the same time, he does not fit the category of PWD under the lexicon of the universe contained within the Act. These challenges traditional understandings of what constitute “disabilities”. The court has to, therefore, travel beyond the provisions of the Act and discern a principle which can be rationally applied.*

...

25. *The appellant is, for all purposes, treated as a person with disability, but does not fall within the categories defined in the Act, nor does he possess the requisite benchmark eligibility condition. The objective material on the record shows that the colour vision impairment is mild. Yet, TANGEDCO’s concerns cannot be characterised as unreasonable. However, TANGEDCO is under an obligation to work under the framework of “reasonable accommodation”, which is defined by Section 2 (y) as follows:*

“(y) “reasonable accommodation” means necessary and appropriate modification and adjustments, without imposing a disproportionate



WEB COPY

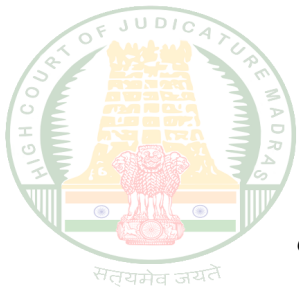


W.P.No.23344 of 2023

or undue burden in a particular case, to ensure to persons with disabilities the enjoyment or exercise of rights equally with others;..”

26. Reasonable accommodation thus, is “appropriate modification and adjustments” that should be taken by the employer, in the present case, without that duty being imposed with “disproportionate or undue burden”. TANGEDCO- the employer expresses its willingness to accommodate the appellant. Yet the position it offers, is highly inadequate: that it is belated, is beside the point. In the considered view of this court, the post offered, i.e., Junior Assistant, is inconsistent with the appellant’s qualification which cannot be offered to him; the offer is a mere palliative gesture, which he justifiably rejected.

27. TANGEDCO, during the hearing was unable to show how it employing the appellant in one of the many departments or units [as AE (Material Management) or AE (CAUP) in the office of the Executive Engineer or even as AE (General) in the office of the SE or as AE (General)] is not possible. The hierarchy of posts further indicates that the primary inspection responsibilities of technical nature are upon Junior Engineers, who oversee the work of Technical Assistants, and that of Linemen. It is evident that the AE works at a position of overseeing supervisory work of Junior Engineers. This could involve, at the field stage, satisfaction after visual inspection. Sufficient safeguards (whenever the appellant’s services in that regard are absolutely essential, and he is deployed on some occasions) can be taken, to ensure that he is accompanied by those without any colour vision deficiencies or impairments. TANGEDCO’s units and



WEB COPY

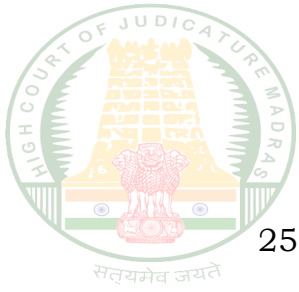


W.P.No.23344 of 2023

organizational structure, in this court's opinion, have sufficient possibility for accommodating the appellant in a unit or department which may not require utilization of skills that involve intense engagement with colour. As stated earlier, these are AE (General) in SE office, AE (CAUP) in EE office; AE (Material Management). The TANGEDCO, is under an obligation to ensure that the appellant is therefore, suitably accommodated in any such general department or establishment."

23.Thus, when there are no rules, or regulations, or instructions, and when the notification itself does not specify colour deficiency in eyesight as a ground for disqualification, the order impugned before the Tribunal was rightly interfered with.

24.In addition, as noted by the Supreme Court in **Mohamed Ibrahim**, the earlier avocation and education of the applicant is a relevant factor. In the present case, we notice that the applicant has not only obtained a qualification of B.Tech in Plastic Technology, he has also worked in CIPET, Aurangabad and Vijayawada, without any blemish from 2013 till 2018. CIPET, Aurangabad, had in fact found the work performance of the petitioner to be sincere and good. The education and the earlier performance of the writ petitioner would also have to be taken into consideration in cases like this.



W.P.No.23344 of 2023

25.The Tribunal has applied the correct principles of law to the facts before it, and allowed the application. Sitting under Article 226 of the Constitution of India, we exercise a jurisdiction which is supervisory or visitorial. We are not concerned with the decision rather than the decision making process. We do not find any error in the approach of the Tribunal.

26.In the light of the above discussion, the writ petition is dismissed. The order passed by the Tribunal shall be complied with within a period of four (4) weeks from the date of receipt of a copy of this order. No costs.

(M.S.R., J)

(V.L.N., J)

20.08.2025

krk

Index : Yes
Internet : Yes
Neutral Citation : Yes

To

The Registrar,
The Central Administrative Tribunal,
Chennai Bench, Chennai – 600 104.



WEB COPY



W.P.No.23344 of 2023

M.S.RAMESH, J.
and
V.LAKSHMINARAYANAN, J.

krk

W.P.No.23344 of 2023

20.08.2025