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W.P.No.31134 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.31134 of 2025

R.Murugan

... Petitioner

Vs.

1.The Principal Secretary To Government,
Health And Family Welfare Department,
Secretariat, Chennai 600 009.

2.The Secretary,
District Health Society, District Health Office,
Tiruvallur District And Tiruvallur 602001.

3.The District Collector,
Tiruvallur District,
Tiruvallur 602001.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the 1st respondent to consider the petitioner representation dated 03/03/2025 for relaxation of upper age limit of the petitioner so as to enable him to process the application dated 28/02/2025 for the post of Vaccine Cold Chain Manager in the district Health Society, Tiruvallur considering the petitioner 70 percent Differently - Abled person with 70 percent ortho disability.



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For Petitioner : M/s.T.Dharani

For Respondents : M/s.M.Bindran, AGP
for R1 to R3.

ORDER

The writ petition has been filed for the following reliefs:-

"directing the 1st respondent to consider the petitioner representation dated 03/03/2025 for relaxation of upper age limit of the petitioner so as to enable him to process the application dated 28/02/2025 for the post of Vaccine Cold Chain Manager in the district Health Society, Tiruvallur considering the petitioner 70 percent Differently - Abled person with 70 percent ortho disability"

2. The petitioner would submit that he is a 39 year old Differently-Abled person with 70% ortho disability. He had applied for the post of Vaccine Cold Chain Manager pursuant to the notification issued in February 2025. The petitioner would submit that though he is having all the requisite educational and technical qualifications and falls under multiple priority categories, his application was rejected on the grounds of age restriction.

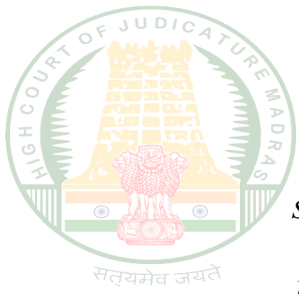


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3. The petitioner would submit that he belongs to multiple Priority Categories under Go.Ms.No.122 and is entitled to age relaxation under various Government Orders and the Right of Persons with Disability Act, 2016. Therefore, he had made a representation dated 03.03.2025 seeking age relaxation. However, the said representation has not been considered to date. Hence, the Writ Petition.

4. In support of the argument that the petitioner is entitled to age relaxation, the learned counsel for the petitioner would rely upon the order passed by this Court in **WP.No.14449 of 2012** dated 19.06.2012, wherein the learned Judge of this Court had passed the following orders:-

" 12. In the light of the said submission made by the learned Special Government Pleader appearing for the respondents and having regard to the Government Order in G.O.Ms.No.704 dated 15.8.1964 giving relaxation of upper age limit to Physically Challenged Persons in all Government appointments, which is still in force, which was issued prior to the enactment of The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and having regard to the



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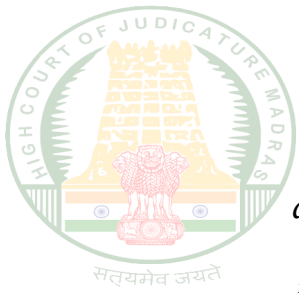
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statutory provision available under Section 38 (1) of the The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, which mandates the appropriate Governments and the local authorities to formulate a scheme for ensuring employment of the persons with disabilities and provide for the relaxation of upper age limit, this Court is of the view that the petitioner association is justified in approaching this Court for such a relief.

13. As per the Central Act, the first respondent cannot reject the request seeking upper age relaxation. The only discretion available to the first respondent is to what extent relaxation of upper age can be granted.

14. In the above circumstances, this writ petition is disposed of giving direction to the first respondent to consider the proposal seeking relaxation of upper age limit to Physically Challenged persons for appointment of Anganwadi Workers and Helpers, which was recommended by the second respondent as early as 24.5.2012 and take a



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decision in the light of the statutory provision viz., Section 38 (1) of the The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, within a period of two weeks from the date of receipt of a copy of this order."

5. Heard the learned counsel on either side.

6. In the light of the order passed in **WP.No.14449 of 2012** dated 19.06.2012, the Writ Petition is allowed and a direction is issued to the 1st respondent to consider the petitioner's representation dated 03.03.2025 and pass orders in accordance with law within a period of 2 months from the date of receipt of a copy of this order. No costs.

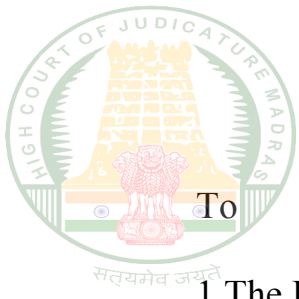
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(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No



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