



W.P.No.32019 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

W.P.No.32019 of 2024
and W.M.P.No.34758 of 2024

Navin Joseph J

... Petitioner

Vs.

1. The Union Public Service Commission
Rep. By Its Secretary, Dholpur House,
Shajahan Road, New Delhi-100 069

2.The Union Of India
Rep. By Its Secretary, Ministry Of Personnel,
Public Grievances And Pension Department Of Personnel
And Training, Government Of India,
North Block, New Delhi-110 001.

3.The Registrar
Central Administrative Tribunal,
Chennai Bench, High Court Campus,
Chennai-600 104.

... 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 of the Honourable Central Administrative Tribunal, Chennai



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in OA No.1039 of 2019 dated 31.07.2024 quash the same and further direct the 1st respondent to consider the petitioner under Physically Handicapped (Visually Impaired) category for appointment in All India Civil Service based on the Central Civil Service Examination held in 2014.

For Petitioner : Ms.H.Mary Sowmi Rexi,
For M/s.Issac Chambers

For Respondents : Mr.A.R.L.Sundaresan, A.S.G.,
Assisted By Mr. V.Chandrasekaran
For R1,
Mr. B. Sudhir Kumar
For R2 R3- Tribunal

ORDER

(Order of this Court was delivered by M.S.RAMESH.J.)

This petition has been filed calling for the records of the Central Administrative Tribunal, Chennai in O.A No.1039 of 2019 dated 31.07.2024 and to quash the same. Consequently, direct the 1st respondent to consider the petitioner under Physically Handicapped (Visually Impaired) category for appointment in All India Civil Service based on the Central Civil Service Examination held in 2014.

2. Heard the learned counsel for the petitioner and the learned



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Additional Solicitor General for the first respondent and the learned counsel for the second respondent and have perused the documents.

3. The petitioner herein had applied for Civil Services Examination pursuant to the notification dated 31.05.2014 under OBC category. It is the case of the petitioner herein that though he had secured 814 as against the cut off of 844 for OBC category, he, during the course of selection process, had developed *Keratoconus*, which was a disability of low vision. According to the petitioner, he was medically examined by the doctors on 12.07.2015 and the Medical Board had favourably recommended his case on 12.11.2015. Based on the recommendation, the Government had issued the disability certificate on 01.02.2016, certifying 90% visual disability in both the eyes. By placing reliance on Paragraph 9 of the recruitment notification dated 31.05.2014, that cases of candidates developing physical disablement, during the course of examination, can also be considered by the Union Public Service Commission (UPSC), the learned counsel for the petitioner would submit that the petitioner's candidature ought to have been considered by UPSC under the physically challenged quota and if considered, he would have



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qualified himself, since the cut off mark for physically challenged - PH 2 was 778 as against his marks of 814.

4. The learned Additional Solicitor General for the first respondent would, however, submit that after notification was issued on 31.05.2014, the UPSC had conducted the preliminary examination on 24.08.2014, and had published the results on 13.10.2014. Thereafter, the main results were published on 12.04.2015, pursuant to which, a personality test was also conducted on 27.04.2015 and ultimately, the final results were published on 04.07.2015. It is also his submission that during such time, the petitioner herein had not obtained the disability certificate, and the UPSC had also filled all 1,291 posts, including the 26 posts reserved for physically challenged candidates, of which 2 posts were reserved for blindness / low vision.

5. In the instant case, we find that the petitioner had 90% low vision in both eyes. We are not in a position to convince ourselves as to how the petitioner herein would not have realized such a medical ailment, which is said to be progressive as per the disability certificate.



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As a matter of fact, we are convinced that even at the time of the notification, the petitioner could have been aware of such a serious disablement. However, the petitioner has chosen to have his medical examination only on 12.07.2015 and ultimately, the disability certificate came to be issued by the Government on 01.02.2016. By the time he had appeared before the medical doctors on 12.07.2015, the entire selection process was already concluded on 04.07.2015 itself.

6. This apart, we also find from the records circulated before this Court that the petitioner has chosen to give his first application only on 09.06.2017, seeking for his claim under the physically challenged quota and even that letter is only addressed to the Hon'ble Prime Minister of India. The other communication which he has made to the concerned Government department was only on 27.06.2018. Even assuming that the respondents herein had considered the petitioner's representation, they would not have been in a position to accommodate the petitioner's request since the entire selection process was completed and it would not be feasible for them to accommodate the petitioner. The Tribunal had taking note of all these factors and had rejected the petitioner's claim. We



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we do not find any reason to interfere with the order of the Central Administrative Tribunal.

7. According the Writ petition stands dismissed. No Costs.

Consequently, connected miscellaneous petition is closed.

[M.S.R., J] [N.S., J]

07.04.2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes/No

Neutral Citation: Yes/No

Anu

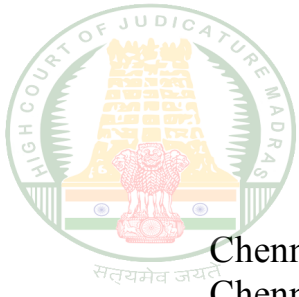
To

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Chennai-600 104.

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4. The Central Administrative Tribunal, Chennai

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and
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