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W.P.No.39614 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2025

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THE HONOURABLE MR.JUSTICE G.K. ILANTHIRAIYAN

W.P.No.39614 of 29025

and

WMP Nos.44503, 44504 and 44505 of 2025

Packialakshmi

: Petitioner

Vs.

1. The Director of Co-operative Audit,
Directorate of Co-operative Audit,
Perasiriyar K.Anbazhagan Maaligai,
6th Floor, Veterinary Hospital Campus,
No.571, Anna Salai, Chennai.

2.The Chairman,
Tamil Nadu Public Service Commision,
TNPSC Road, Park Town,
VOC Nagar, Chennai-600 003.

3.The Regional Medical Board,
Rajiv Gandhi Government General Hospital,
Chennai-600 003.

4.The Joint Director,
Medical and Rural Health Services,
Coimbatore-641 018.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Certiorarified Mandamus calling for the impugned proceedings in No.117/RMB/RGGGH/2024 dated 27.12.2024 on the file of third respondent and the consequent orders in Na.Ka.No.E208898/2024/APA1(2) dated 12.02.2025 on the file of first respondent and Memorandum No.1093/PSD-G1/2022 dated 26.03.2025 on the file of second respondent denying



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the petitioner appointment and quash the same and consequently direct the respondents to appoint the petitioner to the post of Junior Co-operative Auditor in the Department of Co-operative Audit under the differently abled category.

For Petitioner : Mr.I.Romeo Roy Alfred

For Respondents : Mr.V.Umakanth
Government Advocate, for R1

Mr.B.Vijay
Standing Counsel, for R2

Mr.M.Bindran
Additional Government Pleader, for R3 and R4

ORDER

The writ petition has been filed challenging the report of the third respondent dated 27.12.2024 and the consequential order passed by the first respondent dated 12.02.2025 thereby rejecting the petitioner's candidature to the post of Junior Co-operative Auditor in the Department of Co-operative Audit under differently-abled persons category.

2. The petitioner is suffering from hearing disability of 50%. While being so, the second respondent issued notification dated 23.02.2022 inviting applications for direct recruitment to the posts included in the Combined Civil Services Examination-II (Interview Posts/Non Interview Posts). The petitioner applied for the same and cleared the preliminary as well as main examination. The



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petitioner was informed that she was provisionally selected for the appointment by direct recruitment to the post of Junior Co-operative Auditor in the Department of Co-operative Audit. The first respondent directed the petitioner to appear before the third respondent for medical examination with respect to her disability. The petitioner appeared before the third respondent and the third respondent certified that considering the type and degree of hearing loss, the petitioner does not come under the disability category. On the strength of the certificate, the first respondent rejected the candidature of the petitioner for the post of Junior Co-operative Auditor under the differently-abled category, for the reason the petitioner was not coming under the disability category.

3. The learned counsel for the petitioner submitted that as per Section 2(r) of the The Rights of Persons with Disabilities Act, 2016, persons, not less than 40% disability would be considered as a person with a benchmark disability. The petitioner's disability is 50% as per the certificate issued by the Government, under Rule 18(1) of the Rights of Persons with Disability Rules, 2017. On her oral representation, the first respondent issued letter dated 20.09.2024. The petitioner received a communication dated 10.10.2024 to appear before the Coimbatore



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Medical Board for medical examination once again. Accordingly, she appeared before the fourth respondent and the fourth respondent issued a certificate dated 16.10.2024 and confirmed her disability of hearing as 50%. Once again, the petitioner was informed to appear before the third respondent for medical examination, on 12.12.2024. The petitioner appeared before the medical board for re-medical examination. The first respondent issued a report dated 12.02.2025 stating that the petitioner does not come under the disability category. He further submits that as per Rule 19 of the Rights of Persons with Disability Rules, 2017, a person to whom a certificate is issued under Rule 18, shall be entitled to apply for facilities, concessions and benefits admissible for persons with disabilities under schemes of the Government and non-governmental organisation funded by the Government. Therefore, the candidature of the petitioner to the post of Junior Cooperative Auditor in the Department of cooperative auditor ought not to have rejected.

4. On instructions, learned counsel for the second respondent submitted that the petitioner was never directed to appear before the fourth respondent for medical examination. Only on the request made by the petitioner, the petitioner was subjected for second medical examination before the third respondent. Once



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again, the third respondent, by medical report dated 12.02.2025, certified that the petitioner does not come under the disability category. Therefore, the candidature of the petitioner was rightly rejected and the same does not warrant any interference by this Court.

5. Learned counsel for respondents 3 and 4 submitted that on examination of the petitioner, the petitioner does not come under the disability category and accordingly she was issued certificate. Though Rule 19 of Rights of Persons with Disability Rules, 2017 says that can be used for facilities, concession and benefits, it cannot be used for any recruitment purpose, unless the person satisfies the recruitment agencies as per their notification under the disability quota. The certificate issued under Section 18(1) under Rule Rights of Persons with Disability Rules, 2017 can be used only for facilities, concessions and other benefits provided by the Government under various schemes.

6. On a perusal of the medical report dated 27.12.2024, it is seen that the petitioner was certified that she does not come under the category of hearing disability. Once again, the petitioner was subjected for medical examination by the



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third respondent. Again, the petitioner was assessed with no hearing disability. Only on the further request made by the petitioner, the petitioner was subjected for further medical examination before the fourth respondent, who happens to be the appellate authority.

7. On a perusal of the communication dated 13.09.2024, on the of the fourth respondent, it was revealed that the petitioner was directed to appear before the medical board, for verification on 14.10.2024 at about 11 a.m. It further revealed that on the basis of the letter dated 20.09.2024, issued by the first respondent, the fourth respondent directed the petitioner to appear before the medical board. Further, by communication dated 10.10.2024, on the file of the fourth respondent, the petitioner was directed to appear for medical examination on 16.10.2024 at about 11 a.m. In the said communication also, the fourth respondent has categorically referred about that letter issued by the first respondent, dated 20.09.2024, and the earlier communication dated 30.09.2024. Accordingly, the petitioner appeared before the fourth respondent for medical examination on 16.10.2025. The fourth respondent assessed that the petitioner has 50% permanent hearing impairment in relation to bilateral moderately severe fixed hearing case at



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50%. This condition is progressive and not likely to improve. Further, the re-assessment is recommended after five years. Therefore, the fourth respondent, being the appellate authority, assessed the disability of the petitioner as 50% of hearing impairment. Therefore, the candidature of the petitioner cannot be rejected on the basis of the disability certificate dated 12.12.2025 issued by the third respondent.

8. In view of the above, the impugned proceedings dated 12.02.2025 on the file of the first respondent and the memorandum dated 26.03.2025 on the file of the second respondent cannot be sustained and they are liable to be quashed. Accordingly, the impugned proceedings are quashed.

9. The first and second respondent are directed to appoint the petitioner to the post of Junior Co-operative Audit in the Department of Co-operative Audit under the differently-abled persons category, by considering the certificate issued by the fourth respondent dated 16.10.2024, forthwith.

10. In view of the above directions, the writ petition stands allowed.



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Consequently, WMP Nos.44503 to 44505 of 2025 are closed.

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Speaking (or) Non Speaking Order

Neutral Citation: Yes/No

mrn

To

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6th Floor, Veterinary Hospital Campus,
No.571, Anna Salai, Chennai.

2.The Chairman,
Tamil Nadu Public Service Commission,
TNPSC Road, Park Town,
VOC Nagar, Chennai-600 003.



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G.K. ILANTHIRAIYAN, J.

(mrn)

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