



WEB COPY

W.P.(MD) No.13701 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.13701 of 2021

Antony John Rose

... Petitioner

-VS-

1.The Secretary to Government
of Tamil Nadu
Department of School and
Higher Education
Secretariat, Chennai

2.The Director
Department of School and
Higher Education
College Road, Chennai

3.The Chief Educational Officer
Office of the Chief Educational Officer
Kanyakumari District, Nagercoil

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records of the 3rd respondent made in Naa.Kaa.No.2270/A1/2018 dated 14.06.2021 and quash the same as



W.P.(MD) No.13701 of 2021

WEB COPY

illegal consequently direct him to appoint the petitioner as Lab Assistant as per the notification dated 22.04.2015 of the 2nd respondent.

For Petitioner : Mr.P.T.Ramesh Raja
for Mr.I.Velpradeep

For Respondents : Mr.S.Shaji Bino
Special Government Pleader

ORDER

This writ petition has been filed challenging the impugned order dated 14.06.2021, passed by the third respondent, rejecting the petitioner's request for being appointed to the post of Lab Assistant under the physically handicapped quota.

2. Under the impugned order, for rejecting the petitioner's request, the third respondent has assigned a reason that out of three seats, one seat is reserved for physically handicapped candidates, another one seat is reserved for hearing impaired candidates and another one seat is reserved for blind candidates. The third respondent has also stated that one Ms.Anitha Kumari, who got 114 marks, was appointed under the physically handicapped



W.P.(MD) No.13701 of 2021

WEB COPY

category and the two remaining seats are vacant for non-availability of blind and hearing impaired candidates.

3. Learned counsel for the petitioner would submit that since the remaining two seats are vacant for non-availability of blind and hearing impaired candidates, the petitioner must be appointed in one of the two seats as per the second proviso to Rule 22 of the Tamil Nadu State and Subordinate Services Rules. However, according to the learned counsel for the petitioner, without considering the second proviso to Rule 22 of the Tamil Nadu State and Subordinate Services Rules, the impugned order came to be passed arbitrarily and by total non-application of mind.

4. A counter affidavit has been filed by the third respondent before this Court denying the contentions of the petitioner and reiterating that the petitioner is not entitled for being appointed to the post of Lab Assistant as under the physically challenged quota, another person, by name Ms.Anitha Kumari, has already been appointed.



WEB COPY

W.P.(MD) No.13701 of 2021

5. However, as seen from the counter affidavit filed by the third respondent before this Court as well as the impugned order, there is no reference as to whether the second proviso to Rule 22 of the Tamil Nadu State and Subordinate Services Rules, which the learned counsel for the petitioner relies upon, applies to the case of the petitioner. Admittedly, as seen from the impugned order, the reservation given to the blind and hearing impaired candidates has not been filled up due to the non-availability of the candidates.

6. The second proviso to Rule 22 of the Tamil Nadu State and Subordinate Services Rules is re-produced hereunder:

“Provided further that if no qualified and suitable candidate is available from a particular category of handicapped, namely the blind, the deaf or the orthopaedically handicapped, the vacancy can be filled up by candidates belonging to any of the other two categories.”

7. As seen from the above proviso, it is made clear that if no qualified and suitable candidate is available from a particular category of handicapped, namely, the blind, the deaf or the orthopaedically handicapped,



W.P.(MD) No.13701 of 2021

WEB COPY

the vacancy can be filled up by the candidates belonging to any of the other two categories. The petitioner relies upon the aforesaid proviso found in Rule 22 of the Tamil Nadu State and Subordinate Services Rules, in respect of his case that he can be appointed to the post of Lab Assistant.

8. Since the second proviso to Rule 22 of the Tamil Nadu State and Subordinate Services Rules has not been considered under the impugned order, this Court is of the considered view that in the interest of justice, the impugned order needs to be quashed and the matter has to be remanded back to the very same respondent (third respondent) for fresh consideration of the petitioner's request on merits and in accordance with law, within a time frame to be fixed by this Court, after giving due consideration to the second proviso to Rule 22 of the Tamil Nadu State and Subordinate Services Rules.

9. Accordingly, the impugned order, dated 14.06.2021, passed by the third respondent, is hereby quashed and this writ petition is disposed of by remanding the matter back to the third respondent for fresh consideration of the petitioner's request for being appointed to the post of Lab Assistant, on merits and in accordance with law, after giving due consideration to the



W.P.(MD) No.13701 of 2021

WEB COPY

second proviso to Rule 22 of the Tamil Nadu State and Subordinate Services Rules, which makes it clear that if no qualified and suitable candidate is available from a particular category of handicapped, namely, the blind, the deaf or the orthopaedically handicapped, the vacancy can be filled up by the candidates belonging to any of the other two categories. Admittedly, the petitioner is a handicapped person and applied for the post of Lab Assistant only under the category of handicapped. The third respondent is directed to pass final orders on merits and in accordance with law, as stated supra, within a period of twelve weeks from the date of receipt of a copy of this order. However, it is made clear that only in the event of there being unfilled vacancies under the categories of blind and deaf and dumb, the question of re-consideration of the petitioner's case will arise. No costs.

29.10.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

krk



W.P.(MD) No.13701 of 2021

WEB COPY

To:

- 1.The Secretary to Government
of Tamil Nadu,
Department of School and
Higher Education,
Secretariat, Chennai.
- 2.The Director,
Department of School and
Higher Education,
College Road, Chennai.
- 3.The Chief Educational Officer,
Office of the Chief Educational Officer,
Kanyakumari District, Nagercoil.



WEB COPY



W.P.(MD) No.13701 of 2021

ABDUL QUDDHOSE, J.

krk

W.P.(MD) No.13701 of 2021

29.10.2025