

W.P.(MD) No.873 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved On : 30.07.2025

Pronounced On : 19.08.2025

CORAM:

THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE

W.P. (MD) No.873 of 2017

and

W.M.P.(MD)Nos. 726 to 728 of 2017

S.Murugan,
S/o.Saivam,
1/165, Meenakshi Amman Nagar,
5th Street South, Suryanagar,
K.Pudur, Madurai – 7.

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Represented by Secretary,
Education Department,
Secretariat, Chennai.

2. The Director of Collegiate Education,
College Road, Chennai -6.

3. The Teachers Recruitment Board,
Rep. by its Member Secretary,
E.V.K.Sampath Maaligai,
DPI Compound,
College Road, Chennai-6.

... Respondents

PRAYER in W.P.:

To issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned tentative provisional list of candidates for Certificate Verification dated 06.01.2017 for the Direct



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Recruitment of Assistant Professors in Government Engineering Colleges 2013-14 and 2014-15 issued by the 3rd respondent herein and quash the same in so far as it relates to the special reservation category for Differently Ables candidates (PWD Candidates) and consequently direct the 3rd respondent to issue a fresh list for certificate verification in compliance of the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act 1995 within the time frame fixed by this Hon'ble Court and pass such further or other orders as the Hon'ble Court may deem fit and proper in the circumstances of this case and thus render justice.

PRAYER in W.M.P(MD)No.726 of 2017:

To grant dispense with production of the original of the impugned Tentative Provisional List of Candidates for Certificate Verification dated 06.01.2017 for the Direct Recruitment of Assistant Professors in Government Engineering Colleges 2013-14 and 2014-15 issued by the 3rd respondent herein, for the present and thus render justice.

PRAYER in W.M.P(MD)No.727 of 2017:

To grant interim stay of all further proceedings pursuant to the issuance of the impugned Tentative Provisional List of Candidates for Certificate Verification dated 06.01.2017 for the Direct Recruitment of Assistant Professors in Government Engineering Colleges 2013-14 and 2014-15 in so far as it relates to the Special Reservation Category for Differently Abled Candidates (PWD Candidates) issued by the 3rd respondent herein pending disposal of the above writ petition and thus render justice.



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PRAYER in W.M.P(MD)No.728 of 2017:

WEB COPY To grant interim direction, directing the 3rd respondent to keep one post vacant under the Special Reservation Category for Differently Abled Candidates (PWD Candidates) in the Direct Recruitment of the Assistant Professors in Government Engineering Colleges 2013-14 and 2014-15 pending disposal of the above writ petition and thus render justice.

APPEARANCE OF PARTIES:

For Petitioner : Mr.Arun Prasath, Advocate
for Mr.A.Prasanna Rajadurai, Advocate

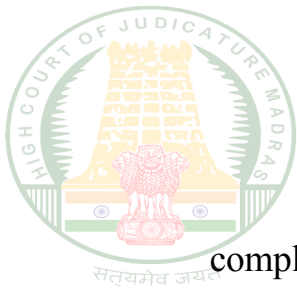
For Respondents : Mr.T.Amjad Khan
Government Advocate for R1 to R3

J U D G M E N T

Heard.

2. The Petitioner seeks to quash the list of candidates called for certificate verification on 06.01.2017 for direct recruitment to the post of Assistant Professors in Government Engineering Colleges for the recruitment years 2013–14 and 2014–15, issued by the 3rd Respondent, insofar as it pertains to the reservation of posts for differently abled candidates (Persons with Disabilities). The Petitioner also seeks a consequential direction to issue a fresh list for certificate verification in

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compliance with the provisions of the Disabilities Act, 1995.

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3. When the writ petition was listed on 19.01.2017, this Court passed the following order:—

“The petitioner/party-in-person has filed this petition, seeking to call for the records pertaining to the impugned tentative provisional list of candidates for Certificate Verification dated 06.01.2017 for the Direct Recruitment of Assistant Professors in Government Engineering Colleges 2013-14 and 2014-15 issued by the 3rd respondent herein and quash the same insofar as it relates to the special reservation category for Differently Abled Candidates (PWD Candidates) and consequently direct the 3rd respondent to issue a fresh list for certificate verification in compliance of the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

2. Mr.S.Satish Kumar, learned Additional Government Pleader takes notice for the respondents.

3. It is represented by the learned Additional Government Pleader appearing respondents that the petitioner has scored less marks than what is required for the selection process. However, he has fairly submitted that certificate verification is posted to 19.01.2017 and 20.01.2017 and he is unable to produce the relevant records today.

4. Since the respondents are unable to produce the records, the petitioner, who appeared before this Court in person, is permitted to participate in the certificate verification and for ascertaining the percentage of disability and the same will be kept in a sealed covered and be produced before this Court on 31.01.2017. It is made clear that the petitioner has no right to seek the



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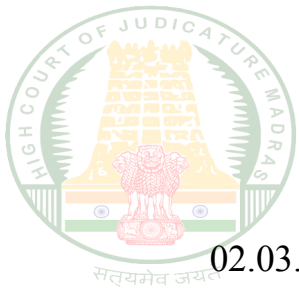
details pertaining to the same under any provisions much less under the Right to Information Act till the issue is decided in this writ petition.

5. Mr.C.Muthuraja, Liasioning Officer is present before this Court and he has been informed to communicate the interim order to the concerned persons and the petitioner shall be permitted to participate in the certificate verification without waiting for a copy of this order.”

4. In support of his contention, the Petitioner placed reliance on the judgment of the Hon’ble Supreme Court in ***Union of India v. National Federation of the Blind & Ors.***, reported in (2013) 10 SCC 772. In that decision, the Supreme Court directed that all posts under Categories A, B, C, and D shall carry a 3% reservation, apportioned as 1% for each sub-category, including the visually challenged. Furthermore, while issuing directions in paragraph 54, the Court also directed the Government as follows:—

“54 (ii). We hereby direct the “appropriate Government” to compute the number of vacancies available in all the “establishments” and further identify the posts for disabled persons within a period of three months from today and implement the same without default.”

5. The learned counsel for the Teachers Recruitment Board produced G.O.Ms.No.13, Welfare of Disabled Persons Department, dated



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02.03.2016, wherein paragraphs 7 to 9 read as follows:—

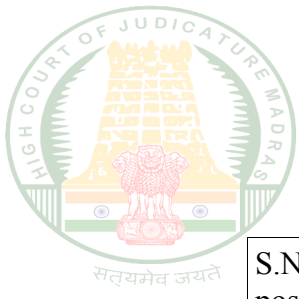
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“7. Government after careful examination of the proposal of the State Commissioner for the Differently Abled, in consultation with all the concerned departments have decided to approve 263 posts under A & B Group identified suitable for Differently Abled Persons in supersession of orders in G.O.(Ms)No. 53, Social Welfare and Nutritious Meal Programme Department, dated 11.04.2005 and G.O.(Ms) No. 25, Welfare of Differently Abled Persons Department, dated 14.03.2013.

8. The Government also direct that 3% of the vacancies in direct recruitment for the identified posts in A and B group where the rule of reservation is applicable for the SCs / STs / BCs and other communities, shall be reserved for the Differently Abled Persons. If only one post is available for recruitment in these categories, the usual procedure for recruitment will be followed. In so far as Executive posts are concerned the individual shall produce a certificate of physical fitness from the Medical Board to the effect that their handicap will not affect the performance of the job to which he / she has been selected, before appointment.

9. The list of 23 categories of posts identified as most suitable for the different categories of the Differently Abled Persons for 3% reservation in A and B groups is given in the Annexure to this order.”

6. In Annexure II to the said order, at SI. No. 257, relating to the post of Lecturers in Government Engineering Colleges under Group A, the following criteria have been prescribed:—



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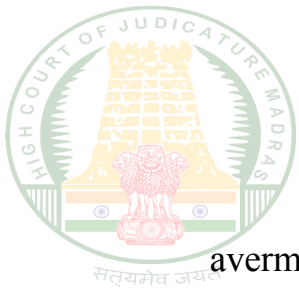
S.No. of post	Name of the post and Department	Physical Requirements	Categories of Differently Abled Persons suitable for the Job	Group
257	Lecturer in Government Engineering Colleges	S/ST/H/W/RW	OA/OL	A

7. The abbreviations used above are explained in the Government Order. In particular, the terms OA and OL are defined as follows:—

“OA One Arm (40% to 70%)

OL One Leg (40% to 70%)“

8. Pursuant to the aforesaid direction of the Government identifying posts suitable for Persons with Disabilities, the Teachers Recruitment Board issued Notification No. 3/2014, dated 16.07.2014. The Petitioner had secured 86 marks in the written examination. However, for the certificate verification conducted on 06.01.2017, it was found that he had not obtained the requisite cut-off marks and, therefore, was not called for the interview. Subsequently, pursuant to the orders of this Court, the Petitioner was called for certificate verification on 20.01.2017. In paragraph 11 of the counter affidavit filed by the TRB, the following



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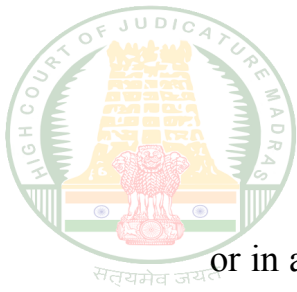
avermnt was made:—

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“It is submitted that the petitioner has furnished ‘Disability Certificate’ from the Member, Medical Board, Government Head Quarters Hospital Ramanathapuram. In the report it is stated that the petitioner has only 40% of Disability. Further the Medical Board has stated that petitioner has vision acuity of 6/36.”

9. Admittedly, the Government has identified various posts as suitable for Persons with Disabilities. Though the Petitioner has sought to quash the list of candidates called for certificate verification, he has not chosen to challenge G.O.Ms.No.13, Welfare of Differently Abled Persons Department, dated 02.03.2016, wherein suitable posts were identified for different categories of PWDs. The Teachers Recruitment Board has merely implemented the said Government Order, and no fault can be attributed to it.

10. The Petitioner has no case on merits. The writ petition, filed in 2017, pertains to a selection process that has long since been concluded, with candidates already appointed to various posts. Moreover, the Petitioner has not impleaded any of the selected candidates. In the absence of the affected parties before this Court, either in their individual capacity



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or in a representative capacity, this Court cannot entertain the writ petition or grant the relief sought, even assuming that the Petitioner had any case on merits.

11. In this context, it is pertinent to refer to the judgment of the Hon'ble Supreme Court in *Prabodh Verma v. State of U.P.*, reported in **(1984) 4 SCC 251**, wherein it was held as follows:—

“...we would like to point out that the writ petition filed by the Sangh suffered from two serious, though not incurable, defects. The first defect was that of non-joinder of necessary parties. The only respondents to the Sangh's petition were the State of Uttar Pradesh and its concerned officers. Those who were vitally concerned, namely, the reserve pool teachers, were not made parties—not even by joining some of them in a representative capacity, considering that their number was too large for all of them to be joined individually as respondents. The matter, therefore, came to be decided in their absence. A High Court ought not to decide a writ petition under Article 226 of the Constitution without the persons who would be vitally affected by its judgment being before it as respondents or at least by some of them being before it as respondents in a representative capacity if their number is too large..

A High Court ought not to hear and dispose of a writ petition under Article 226 of the Constitution without the persons who would be vitally affected by its judgment being before it as respondents or at least some of them being before it as respondents in a representative capacity if their number is too large to join them as respondents individually, and, if the petitioners refuse to so join them, the High Court ought to dismiss the petition for non-joinder of necessary parties.”



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12. In view of the foregoing, the Writ Petition stands dismissed.

There shall be no order as to costs. The connected Miscellaneous Petitions are closed.

19.08.2025

Index: Yes / No
Speaking Order / Non-speaking Order
Neutral Citation : Yes / No
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Copy to:

1. The Secretary,
Education Department,
Government of Tamil Nadu,
Secretariat, Chennai.
2. The Director of Collegiate Education,
College Road, Chennai -6.
3. The Teachers Recruitment Board,
Rep. by its Member Secretary,
E.V.K.Sampath Maaligai,
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Note to Registry:

The sealed cover submitted to this Court regarding certificate verification handed over to this Court shall be returned to the learned Government Advocate who will in turn return to the TRB.



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DR. A.D. MARIA CLETE, J.

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Pre-delivery Judgment made in
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