



WP(MD)No.24144 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON 07.10.2025	PRONOUNCED ON 24.11.2025
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CORAM:

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**

W.P.(MD)No.24144 of 2025

W.MP(MD).No.18942, 18943 & 18946 of 2025

K.Bala Kumaran

... Petitioner

/vs./

- 1.The Government of Tamil Nadu,
Rep., by the Additional Chief Secretary,
Fort St., George,
Chennai – 600 009.
- 2.The Secretary to the Government,
Welfare of Differently Abled Persons,
(DAP.3.2) Department,
Fort St., George, Chennai – 600 009.
- 3.The Tamil Nadu Public Service Commission,
Rep., by its Secretary,
TNPSC Road, V.O.C., Nagar,
Park Town, Chennai – 600 003.
- 4.The Deputy Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, V.O.C., Nagar,
Park Town, Chennai – 600 003.
- 5.The Director of Medical and Rural Health Services,
Medical Department, DMS Campus,
Anna Salai, Teynampet, Chennai – 600 006.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the fourth respondent in Memorandum No. 1271/PSD-B3/2025, dated 29.07.2025 and quash the same and consequently direct the respondents 3 and 4 to select the petitioner for appointment to the post of Forest Guard/Forest Watcher under the differently abled category under Notification No.1 of 2024, dated 30.01.2024 within the time frame stipulated by this Court.

For Petitioner : Mr.G.Mohan Kumar

For Respondents : Mr.F.Deepak Spl.G.P., for RR 1 to R3

Mr.V.Paneerselvam for R4

ORDER

This Writ Petition had been filed to quash the impugned order passed by the fourth respondent dated 29.07.2025 and consequently direct the respondents 3 and 4 to select the petitioner for appointment to the post of Forest Guard/Forest Watcher under the differently abled category under Notification No.1 of 2024, dated 30.01.2024 within the stipulated time .



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2. Heard Mr.G.Mohan Kumar, learned counsel appearing for the petitioner, Mr.F.Deepak, learned Special Government Pleader appearing for the respondents 1 to 3 and Mr.V.Paneerselvam, learned counsel appearing for the fourth respondent.

3. The learned counsel appearing for the petitioner would submit that the petitioner is a disabled person, who had been issued with a disability certificate for a disability of hearing impairment at 60%. A notification was issued on 30.01.2024, for Group IV post in the combined Civil Services Examination. As the petitioner was duly qualified and eligible, he had filed an application on 19.02.2024, under the Backward Community and particularly Special category of hearing impairment (hard-of-hearing). The results were declared and the petitioner had secured 93 marks in the written examination. He had also attended the physical standards verification and endurance test held on 14.07.2025 and 15.07.2025, which was also approved by the Forest Department. He was also directed to upload the soft copies of the original documents and he had uploaded all the certificates including the disability certificate in the format prescribed by the respondent. The petitioner had also attended the counseling at the office of the third respondent on 25.07.2025, as his disability was only hard-of-hearing and



not a disability of hearing impairment.

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4. As per the notification under clause 4.53, persons with benchmark disabilities are also entitled to participate with hearing impairment. Hearing impairment has two types, one is deaf and the another is hard-of-hearing. Hard of hearing disability is a disability, when a person has 60% disability of hearing only. The petitioner was also referred to the 6th respondent, who had also certified him to be having a disability of hard-of-hearing, which would fall under the category of hearing impairment. However on a wrong assumption that the petitioner was having a disability of hearing impairment, which had been produced by the petitioner, the petitioner's request to consider him under the differently abled category was negated. Hence, he had approached this Court by way of this Writ Petition.

5. Countering his arguments, the learned counsel appearing for the fourth respondent would submit that the petitioner had been assessed with a hearing impairment only. As per the addendum issued to the notification to the post of Forest Guard only persons with hard-of-hearing, Acid Attack Victims, Leprosy Cured patients were identified as suitable for the post of Forest Guard. When that



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being so, the petitioner who had been given a disability certificate of hearing impairment cannot be considered. Hence, he seeks to dismiss the Writ Petition.

6. I have considered the submissions made by the learned counsels appearing on either side and perused the materials placed on record.

7. Admittedly, the petitioner had been diagnosed with a hearing impairment. Even the certificate given by the authorised signatory notified by the medical authority, had given him a certificate of hearing impairment marked against hard-of-hearing with a 60% disability. This has not been disputed.

8. Under Schedule I of the persons with Disabilities Act, 2016 issued under clause (zc) of Section 2 has defined what is the hearing impairment. It is defined deaf as to mean a person having 70-DB hearing loss in speech frequency in both ears. The hard-of-hearing had been meant to denote a person having 60-DB to 70-DB hearing loss in speech frequency in both ears. For the better appreciation, the relevant portion is extracted hereunder:-

C. Hearing impairment:-

(a) “deaf” means persons having 70-DB hearing loss in speech frequencies in both ears;



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(b) “hard of hearing” means person having 6-DB to

70-DB hearing loss in speech frequencies in both ears;

9. Admittedly, the petitioner has been given a certificate having hearing impairment disability of 60% hearing loss in speech frequency in both ears as evidenced by the certificate issued by the notified medical authority under the provisions of the Act, which would mean the disability falls within ambit of Hard-of-Hearing.

10. In such view of the matter, the impugned order holding that the petitioner suffers from hearing impairment and cannot be considered under the disability quota is wholly improper and bad.

11. For the aforesaid reasons, the Writ Petition stands allowed and the impugned order is set aside with a direction to the respondents to select the petitioner for the appointment to the post of Forest guard under the differently disabled category, if otherwise the petitioner is eligible and issue such orders of posting to the petitioner and place him as per the merit obtained by him in the seniority list of other persons, who had been so appointed in the said post. Such exercise shall be carried out by the respondents, within a period of eight (8)



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weeks from the date of receipt of a copy of this order. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

24.11.2025

Index : Yes / No

Internet : Yes / No

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Pre-Delivery Order made in
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