

W.P.(MD)No.4484 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2025

CORAM:

THE HONOURABLE MRS. JUSTICE J. NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.4484 of 2025
and
W.M.P.(MD)No.3224 of 2025

Y.Maria Bastida

... Petitioner

Vs.

1.The Registrar General,
Madras High Court,
Chennai – 600 104.

2.The Registrar (Recruitment),
Madras High Court,
Chennai – 600 104.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a ***Writ of Mandamus***, to direct the 2nd respondent to accept the petitioner's online application No.2024133100451, dated 10.05.2024 and to permit him to participate in the entire recruitment process for the post of Office Assistant at Thoothukudi District as per recruitment notification No.133 of 2024, dated 28.04.2024, issued by the 2nd respondent within a stipulated period as framed by this Court.

For Petitioner : Mr.G.David Ganesan
For Respondents : Mr.M.Mahaboob Athiff



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ORDER

(Order of the Court was delivered by **S.SRIMATHY, J.**)

The present writ petition is filed for Writ of **Mandamus**, to direct the 2nd respondent to accept the petitioner's online application No.2024133100451, dated 10.05.2024 and to permit him to participate in the entire recruitment process for the post of Office Assistant at Thoothukudi District as per recruitment notification No.133 of 2024, dated 28.04.2024, issued by the 2nd respondent within a stipulated period as framed by this Court.

2. The brief facts are that the petitioner has completed B.B.A., degree and is a disabled person with 60% low vision. The 2nd respondent has issued recruitment Notification No.133 of 2024, dated 28.04.2024. According to the petitioner he is qualified for the said post and submitted the online application on 10.05.2024. After scrutinizing all the applications, the 2nd respondent has published the rejection list on 15.09.2024 under various categories. In the rejection list, the petitioner's name was not found. Therefore, the petitioner was eagerly waiting for the examination. Subsequently, the 2nd respondent uploaded the hall tickets on 09.11.2024 and 10.11.2024. However, the petitioner's hall ticket was not uploaded. The contention of the petitioner is that his application



was not rejected and he did not receive any intimation regarding non uploading of the hall ticket. The petitioner did not get any answer from the respondents.

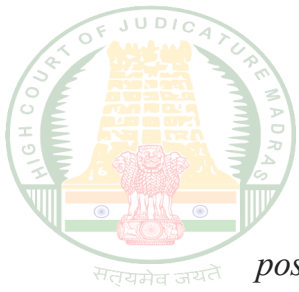
Hence, the present writ petition is filed.

3. The respondents submitted that in the Notification No.133 of 2024, dated 28.04.2024, it has been specifically stated under the caption “Note” and the same is culled out hereunder:

“Persons with Blindness and Low Vision are not eligible to apply for the aforesaid posts. [Refer G.O.(Ms).No.225, Home (Courts – V) Department, dated 15.06.2021].”

4. The respondents further produced the copy of G.O.Ms.No.225 and in the said G.O. it is stated for appointing visually impaired differently abled persons in the posts of Group C and D category in judicial department in the State exemption was granted. The relevant portion of the G.O., is extracted hereunder:

“3. In the letter second read above, the Commissioner for Welfare of the Differently Abled has stated that in the light of the provisions contained in section 34 of the Rights of Persons with Disabilities Act, 2016 (Central Act 49 of 2016) and considering the nature of work in respect of posts Included in Groups "C" and "D", in Judicial department, the Judicial department may be exempted from implementing 4% reservation to the visually impaired differently abled persons for the



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posts included in Groups "C" and "D". The Commissioner for Welfare of Differently Abled has also informed that they have no objection in issuing exemption to the above group of posts for the visually impaired differently abled candidates.

4. The Government, after careful examination, have decided to accept the proposal of the Registrar General, High Court of Madras, Chennai, after considering the remarks of the Commissioner for Welfare of the Differently Abled. Accordingly, the following Notification shall be published in the Tamil Nadu Government Gazette:-

NOTIFICATION

In exercise of the powers conferred by the second proviso to sub-section (1) of section 34 of the Rights of Persons with Disabilities Act, 2016 (Central Act 49 of 2016), the Governor of Tamil Nadu, in consultation with the State Commissioner for Welfare of the Differently Abled, having regard to the nature of work in the Judicial Department, hereby exempts the Judicial Department in the State of Tamil Nadu from the provisions of clause (a) of the said sub-section (1) of section 34 in respect of reservation of appointment of persons with blindness and low vision to the posts belonging to Group 'C' and 'D' categories in that department, subject to the condition that the reservation of four percent under the said sub-section (1) of section 34 shall be allotted among the other categories of differently abled persons."

5. When the recruitment notification specifically stated under the caption "Note" that "Persons with Blindness and Low Vision are not eligible to



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apply for the aforesaid posts”, then the petitioner ought not to have applied.

Further the G.O.(Ms)No.225, Home (Courts – V) Department, dated 15.06.2021 specifically states that there is an exemption from Section 34 of the Rights of Persons with Disabilities Act, 2016, then the petitioner is not having any right to claim to participate in the recruitment process.

6. Hence, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[J.N.B., J.] [S.S.Y., J.]
21.02.2025

Index : Yes / No

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To

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