Date of reserved for orders : --
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APHC010540662026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

WEDNESDAY, THE 14th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 29435 OF 2026

Between:

1. ABDUL SALAM, S/o Sarkar Aged 51 years, R/o 13-159-14 Pedana, Krishna,Andhra Pradesh -521366

...Petitioner

AND

1. THE STATE OF ANDHRA PRADESH, Rep., by its Principal Secretary, Women Child Differently Abled and Senior Citizens Department Secretariat Velagapudi Guntur District- 522238

2. The Director, Women Development and Child Welfare Department, Guntur District- 521002

3. The Collector and District Magistrate, Krishna District- 521002

4. District Employment Officer, Krishna- 521002

5. Regional Eye Hospital, Rep, by its Superintendent, Near Rama Talkies- Visakhapatnam- 530047

...Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of WRIT OF MANDAMUS declaring the inaction of Respondents, more particularly, respondent No. 3, in contemplating the finalization of the selection of sweeper/PH worker/watchman while filling up backlog vacancies reserved for persons with disability in the special recruitment drive for PWDs 2025-26 vide notification dated 05.03.2026 without taking into consideration the SADAREM certificate issued to the petitioner for 100 percent visible visual disability as per of G.O. Ms. No. 31, Women Development, Child Welfare and Disabled Welfare Department, dated 01.12.2009 and without giving the petitioner an opportunity to challenge the assessment made by 5th respondent for a second or third assessment by any other teaching hospital or the District Medical Board constituted as per G.O. Ms. No. 36, Department for Women, Children, Differently Abled and Senior Citizens, dated 23.08.2023, for assessing permanent disability as illegal, arbitrary, and violative of Article 14, 16, and 21 of the Constitution of India, and further violative of the provisions of Rights of Persons with Act, 2016, and the Rules, 2017, and consequently directed respondent No. 3 to consider the case of the petitioner for the post of sweeper/PH worker/watchman in the special recruitment drive Krishna (rank No. 1).

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased direct the Respondent No.3 to keep one post vacant in any of the categories in the special recruitment drive for PWDs 2025-26 for filling up of backlog vacancies for persons with disabilities, in view of the notification dated 05.03.2026, pending disposal of the writ petition.

Counsel for the Petitioner: K ANJANA RAMA KAMESWARI

Counsel for the Respondents: GP FOR SERVICES I

The Court made the following order:

Whether the order is :

Speaking Yes/No / Reasoned Yes/No
Reportable Yes/No / Non-Reportable Yes/No

HON'BLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION No.29435 of 2026

ORDER:

1. The present Writ Petition is filed questioning the action of Respondents in rejecting the candidature of the Petitioner on the ground that he does not have benchmark disability for filling up the backlog vacancies approved *vide* Notification dated 05.03.2026, as illegal and arbitrary.

2. The percentage of disability of the Petitioner was declared to be 100% by the Medical Board at Government General Hospital, Machilipatnam vide Disability Certificate dated 19.06.2020. On the strength of said Disability Certificate, the Petitioner applied for the post of P.H. Worker under the Notification dated 05.03.2026. Upon receipt of the application, the Petitioner was ranked at Sl.No.1 and was referred to the Medical Board on 06.08.2026, wherein his disability was assessed at 30%. Now, the Petitioner disputes the correctness of the same in the light of the Disability Certificate issued earlier on 19.06.2020. Hence, the present Writ Petition is filed.

3. Learned Assistant Government Pleader for Services-I appearing for the Respondents on instructions submits that an appeal is provided in G.O.Ms.No.36, Department for Women, Children, Differently Abled &

Senior Citizens (Prog.II), dated 23.08.2023 to question the Medical Certificate.

4. Heard the counsels.

5. G.O.Ms.No.36, dated 23.08.2023 provides for appeal against the decision of the certifying authority within a period of 90 days. In the light of the same, the Writ Petition is disposed of, with the following directions;

i) The Petitioner shall file appeal before the Government Regional Eye Hospital, Visakhapatnam within a period of two (2) weeks from today;

ii) Upon receipt of the appeal, the Appellate Medical Authority shall decide the appeal within a period of one (1) month;

iii) Further, the appointment made to the post for which the Petitioner is aspiring shall be subject to the outcome of the appeal;

iv) No order as to costs.

As a sequel, pending applications, if any, shall stand closed.

NYAPATHY VIJAY, J

Date: 14.10.2026

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HON'BLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION No.29435 of 2026

Date: 14.10.2026

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