



WEB COPY



W.A.No.583 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2026

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE N. SENTHILKUMAR

W.A.No.583 of 2026

N.Packiarajan .. Appellant

Vs.

1. The State of Tamil Nadu
Rep. By its Secretary to Government
Welfare of Differently Abled Persons (DAP 3.2)
Department, Fort St. George, Chennai – 600 009.

2. The Teachers Recruitment Board
Rep. By its Member Secretary
3rd Floor, Puratchi Thalaivar Dr. MGR Centenary Building
DPI Campus, College Road, Chennai – 600 006.

3. The Director
Director of School Education
School Education Department
DPI Campus, College Road
Chennai – 600 006.

.. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent, against the order dated 03.11.2025 made in W.P.No.31396 of 2023.

For the Appellant : Mr.S.Udaya Kumar

For the Respondents : Mr.J.C.Durairaj
Additional Government Pleader
for R1 and R3

Mr.R.Neelakandan
Additional Advocate General
assisted by Mr.R.Siddharth
Standing Counsel
for R2



W.A.No.583 of 2026

JUDGMENT

(Judgment of the Court was made by R.SURESH KUMAR, J.)

This intra-Court appeal has been directed against the order passed by the Writ Court dated 03.11.2025 made in W.P.No.31396 of 2023.

2. The appellant was the writ petitioner, who participated in the selection process undertaken by the second respondent, namely the Teachers Recruitment Board¹, for appointment to the post of P.G. Assistant (Geography). The appellant/writ petitioner was qualified to hold the post, therefore, he participated in the selection process and since he belongs to the Backward Class Community, he could compete either in the open competition (General) or Backward Class (General).

3. Insofar as the distribution of vacancies for the subject 'Geography' as per the notification is concerned, two posts are reserved for Backward Class Community, one post is reserved for Backward Class – Differently-Abled under Category 4 and one post for Backward Class (Women).

¹ In short, hereinafter referred as "TRB".



W.A.No.583 of 2026

4. Insofar as the Backward Class (Women) is concerned, since the appellant/writ petitioner is a male, he cannot participate. Insofar as Backward Class (General) is concerned, for the two posts reserved, he could compete. In respect of Backward Class (General), for two posts reserved under the subject 'Geography', due to the cut-off marks, he was not able to reach the zone of consideration, therefore, at that juncture, the grievance of the appellant/writ petitioner appears to be that, the one post reserved for Backward Class – Differently-Abled under Category 4, which has not been filled up, could be filled up by a nondifferently-abled person like the appellant/writ petitioner, belonging to the same Community and that has not been done, is his further grievance.

5. In this context, the learned Writ Court, having considered the factual matrix and also Section 34 of the Rights of Persons with Disabilities Act, 2016², has concluded that, since the one vacancy earmarked for Backward Class – Differently-Abled under Category 4 is a current vacancy, if there are no suitable candidates available in Category 4 of the Differently-Abled persons in the current year, the same could be carried forward to the next recruitment year and accordingly, the same since has been carried forward, the induction

² For brevity, hereinafter referred as "the Act of 2016".



W.A.No.583 of 2026

of the appellant/writ petition, who secured 80 marks out of 149 marks, whereas the cut-off marks for Backward Class Community was 81 marks, cannot be included, being a nondifferently-abled candidate. That was the reason, the learned Judge rejected the writ petition and dismissed the same through the order impugned.

6. *Mr.S.Udaya Kumar*, learned counsel appearing for the appellant/writ petitioner has raised a point that, once a suitable candidate is not available under the same communal category, which is reserved further for differently-abled persons, the same could be filled up by non-differently abled persons belonging to the same communal category. As the appellant/writ petitioner secured 80 marks, that is next in command, whereas, the selected candidate secured 81 marks, naturally, the appellant/writ petitioner has to be selected under the said one vacancy earmarked for Backward Class Differently-Abled Persons under Category 4, which, they have failed to do so, hence, it has to be interfered with, is his contention.

7. We have heard *Mr.R.Neelakandan*, learned Additional Advocate General appearing for the respondent TRB, who would submit that, as per Section 34 of the Act of 2016, that kind of

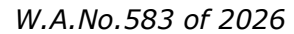


W.A.No.583 of 2026

changing over or inter-changing even among the four categories of differently-abled persons, as well as if no one is available in any one of the four categories of differently-abled persons, nondifferently-abled persons can also be considered only during the next recruitment process by way of carry forward and not in the current vacancy, he contended.

8. We have considered the said submissions made by the learned counsel appearing for both sides and have perused the materials placed before this Court.

9. As has been rightly pointed out by the learned Additional Advocate General appearing for the respondent TRB, Section 34 of the Act of 2016 makes it abundantly clear that, where in any recruitment year any vacancy could not be filled up due to non-availability of a suitable person with benchmark disability or for any other sufficient reasons, such vacancy shall be carried forward in the succeeding recruitment year and if in the succeeding recruitment year also suitable person with benchmark disability is not available, it may first be filled by interchange among the five categories and only when there is no person with disability available for the post in that year, the employer shall fill up the vacancy by



10. Therefore, Section 34 of the Act of 2016 has made it abundantly clear that, if there are no suitable candidates available in the current year earmarked for physically challenged persons, the quota could be carried forward for the next recruitment year. During the next recruitment process, if there are no candidates available in any particular category of differently-abled persons, among the various categories of differently-abled persons, it can be inter-merged. Even then if there are no candidates available, then, it can be filled up by appointment of persons other than persons with disability, that means, persons belonging to the same communal category, provided, if it has been reserved for communal category even for differently-abled persons originally.

Page 6 of 9



W.A.No.583 of 2026

Additional Advocate General, since that was included in the next year recruitment as carry-forward vacancy and based on which, selection process also went on and the process of inter-change among the four categories since has been made, where, since there was no suitable candidate available in category 4, it has been inter-changed to category 3, where, there was a candidate suitably available, to whom or in favour of whom, selection has been made, is his contention.

12. Therefore, this process of the TRB cannot be found fault with, resultantly, we do not find any reason to interfere with the order passed by the Writ Court. Recording the same, this writ appeal is dismissed. However, there shall be no order as to costs. Consequently, C.M.P.No.5564 of 2026 is closed.

(R.S.K., J.) (N.S., J)
03.03.2026

Speaking Order/Non-Speaking Order
Neutral Citation:Yes/No
Internet:Yes/No
Index:Yes/No

(drm)

To:

1. The Secretary to Government

Page 7 of 9



WEB COP



W.A.No.583 of 2026

The State of Tamil Nadu
Welfare of Differently Abled Persons (DAP 3.2)
Department, Fort St. George
Chennai – 600 009.

2. The Member Secretary
The Teachers Recruitment Board
3rd Floor, Puratchi Thalaivar Dr. MGR Centenary Building
DPI Campus, College Road
Chennai – 600 006.
3. The Director
Director of School Education
School Education Department
DPI Campus, College Road
Chennai – 600 006.



WEB COPY



W.A.No.583 of 2026

R. SURESH KUMAR, J.
AND
N. SENTHILKUMAR, J.

(drm)

W.A.No.583 of 2026

03.03.2026