



WEB COPY

WP No. 19930 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-02-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

**WP No. 19930 of 2024
and
W.M.P.No.21800 of 2024**

1. Union Of India,
Rep by The Chairman
Railway Board, Ministry of Railways,
Rail Bhavan New Delhi.
2. The Chairman Railway Recruitment Board
5, Dr.P.V. Cherian Crescent Road, Egmore,
Chennai-600 008.
3. Principal Chief Medical Officer
Constable Road, Hospital road, Vasantha
Nagar, Perambur, Chennai.

..Petitioner(s)

Vs

1. B Divakar
S/o.R.Balasubramanian, 26/17, Ahimshapuram,
2nd Street Sellur, Madurai.



2. The Registrar

Central Administrative Tribunal,
Chennai Bench, Chennai-600 014.

..Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to call for the records pertaining to order in O.A.No. 526 of 2021 dated 05.02.2024 on the file of the 2nd respondent and hold the same as illegal arbitrary and quash the same.

For Petitioner(s): Mr.AR.L.Sundaresan
Additional Solicitor General
Assisted by
M/s. R. Durgarani
Central Government Standing Counsel

For Respondent(s): No appearance (For R1 & R2)

ORDER

(Order of the Court was made by K.Kumaresh Babu J.)

The present writ petition has been filed to quash the order of the 2nd respondent made in O.A.No. 526 of 2021 dated 05.02.2024.

2. This writ petition had been initiated by the petitioners, challenging the order of the Tribunal, wherein the Tribunal had directed that the first respondent herein be referred to a Medical Board and if found fit, to grant him appointment,



or otherwise, by applying the provisions of the Rights of Persons with Disabilities Act, 2016 [hereinafter 'Act'] had issued a further direction to grant him a job in C-1 Category.

3. In spite of the notice to the respondents and having entered appearance, the first respondent was not represented before this Court on 12.02.2026 and even today (17.02.2026), there is no representation on his side. He is also called absent.

4. Pursuant to the orders passed by this Court, a report has been received. The first respondent had been referred to the Regional Medical Board at Rajiv Gandhi Government General Hospital, Chennai and a report has also been forwarded by the Dean, Rajiv Gandhi Government General Hospital, Chennai.

5. A perusal of the report would indicate that the first respondent may not be ideally fit for the Loco Pilot job in the Railways, for which the recruitment had been undertaken. The reason for such recommendation is that the responsibility of the said job carries the life of many passengers.

6. On the face of the certificate, we are of the considered view that the first respondent would not be entitled to seek recruitment to the said post, as he is found medically unfit.



7. With regard to the further directions issued by the Tribunal by relying upon the provisions of the Act, it is to be noted that the first respondent had not been borne into service so as to extend the benefit of the Act. Hence, the further direction issued by the Tribunal is wholly erroneous.

8. For the aforesaid reasons, the impugned order passed by the 2nd respondent / Tribunal in O.A.No. 526 of 2021 dated 05.02.2024 stands set aside and the writ petition stands allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(C.V.K.,J.) (K.B.,J.)
17-02-2026
(1/2)

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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WP No. 19930 of 2



**C.V.KARTHIKEYAN, J.
AND
K.KUMARESH BABU, J.**

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