

W.P.No.47712 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2025

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

WP No.47712 of 2025
and WMP No.53256 of 2025

C.Somasundaram
S/o.Chinnadurai,
Veerapalli Village,
Thiriyalam Poset,
Tirupattur District.

Petitioner(s)

Vs

1. The Chairman
Teachers Recruitment Board,
College Road,
Chennai-600 006.
2. The Collector
Tirupattur, Tirupattur District.
3. The Revenue Divisional Officer
Tirupattur District.

Respondent(s)

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the 2nd



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respondent to dispose the appeal filed by the petitioner dated 10.1.2023 for issuance of community certificate to the petitioner and his daughters namely viz., 1) K.S.Rachutha, 2) S.Sharmidha and 3) S.Dishitha that they belong to Kurumans (ST) community based upon the community certificate already issued to the petitioner's father's own brothers sons viz., J.Tamilvanan and J.Kalaiarasan and also direct the 1st respondent to permit the petitioner to participate in the certificate verification to be held on 9.12.2025 at 1.30 pm and to keep one post vacant for the post of post Graduate Assistant/Physical Director Grade-I/Computer Instructor Grade-I in School Education and other Departments in the Tamil Nadu Higher Secondary Educational Service - 2025 as per Notification No.02/2025 dated 10.7.2025.

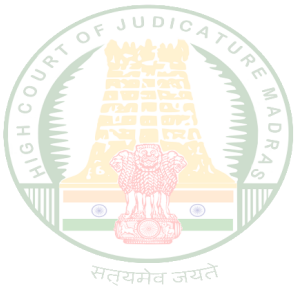
For Petitioner(s): Mr.V.Elangovan

For Respondent(s): Mr.E.Vijay Anand
Additional Government Pleader

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The petitioner has filed this petition seeking a direction to dispose of his appeal filed way back on 10.1.2023 in the matter of challenge to rejection of his application for issuance of community certificate to himself and his three daughters.



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2. According to the petitioner, the petitioner belongs to "Kurumans" Scheduled Tribe community. Though an application for issuance of community certificate was submitted to the third respondent/Revenue Divisional Officer, the same was rejected on 21.12.2022. Aggrieved by the said order, the petitioner filed an appeal on 10.1.2023 before the District Collect, which is pending consideration since then. In the meantime, notification for recruitment to the posts of Graduate Assistant, Physical Director, etc., was issued and the petitioner offered his candidature. The process of selection is on the verge of completion, but till date the appeal has not been decided. The grievance of the petitioner is that, in case he succeeds in the appeal, he would be entitled to be considered against the post reserved under the category ST CAT 1 [*Blindness and Low Vision – 1% reservation*].

3. Had it been any other case, this court would have disposed of the same with a direction to the authority concerned to consider the appeal within a stipulated period. However, we find that the



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petitioner in this case happens to be a person with disability [visually impaired with percentage of disability assessed at 40%] and, as mandated under the Rights of Persons with Disabilities Act, 2016 [Act], it is the bounden duty of the appropriate government to ensure that such persons with disabilities enjoy various rights, such as right to equality, life with dignity, respect for his integrity, etc., equally with others, without any barrier, including communicational and attitudinal factors, which hampers the full and effective participation of persons with disabilities in society, as specially silhouetted in Section 2(c) of the Act, which reads thus:

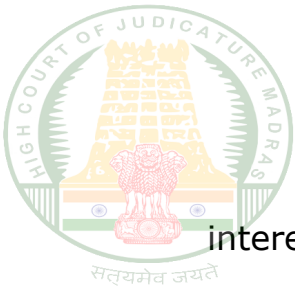
"2. Definitions.- In this Act, unless the context otherwise requires,--

(a)

(b)

(c) 'barrier' means any factor including communicational, cultural, economic, environmental, institutional, political, social, attitudinal or structural factors which hampers the full and effective participation of persons with disabilities in society;"

4. Moreover, Article 41 of the Constitution of India casts an obligation on the State to make provisions for safeguarding the



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interest of persons with disabilities. In this regard, it is propitious

to reproduce the observations of the Supreme Court in *Rajive Raturi*

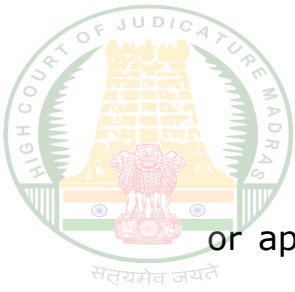
*v. Union of India*¹, hereunder:

"21. Apart from conferring rights on disabled persons, there are adequate provisions which cast an obligation on the State also to make provisions for safeguarding the interest of the handicapped persons. 73rd and 74th. Amendment of the Constitution of India make it a constitutional obligation for the State to make provisions for safeguarding the interest of the weaker section of the society, including "handicapped and mentally retarded". Article 41 of the Constitution which is in the nature of a directive principle, imposes a duty on the State to make an effective provision, inter alia, for public assistance to disabled persons and it is a well-established principle that the State has an obligation to apply the directive principles of securing a social order in promotion of the welfare of the people. ..."

[emphasis supplied]

5. When such is the constitutional as well as statutory mandate, the State Government is expected to act in furtherance of such objective and while considering the applications, or grievances,

¹ (2018) 2 SCC 413

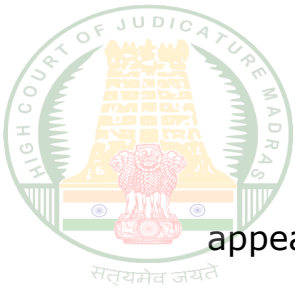


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or appeals of persons with disabilities, the authorities of the State Government should act with greater degree of sensitivity and empathy than in other cases. The cases of persons with disabilities should be given precedence and the authorities should earnestly put their heads down to dispose of their applications, or grievances, or appeals betimes, rather than keeping it pending for a long time. In any event, such cunctation in deciding the appeal by the second respondent of well-nigh three years, as in the present case, is unfathomable.

6. As the facts of the present case show, the appeal was filed by the petitioner on 10.1.2023 and till date it has not been considered. The second respondent, viz., the Collector, Tirupattur, is, therefore, directed to decide the appeal, one way or the other, on its own merits within thirty days from the date of receipt of a copy of this order.

7. Though a prayer has been made to keep a post vacant, instead of keeping the post vacant, we observe that in case the



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appeal is decided in favour of the petitioner, the petitioner would be at liberty to seek appropriate direction by filing petition challenging the selection of any other person to the solitary post reserved in the aforesaid category, in case the candidate appointed has received lesser marks than the petitioner.

8. We are inclined to issue a direction to the Chief Secretary, State of Tamil Nadu, to issue necessary circular within one month directing all the departments of the State Government to ensure that whenever any appeal, or representation, or application is submitted by persons with disabilities, every endeavour is made to decide the same betimes.

9. The writ petition is disposed of accordingly. However, the Registry is directed to list the writ petition on 19.1.2026 to ensure compliance of this order and to place on record the circular issued, as directed herein above, for perusal of this court.

There shall be no order as to costs. Consequently, interim



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application stands closed.

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(MANINDRA MOHAN SHRIVASTAVA, CJ) (G.ARUL MURUGAN,J)
08.12.2025

Index : Yes
Neutral Citation : Yes

Note to Registry:

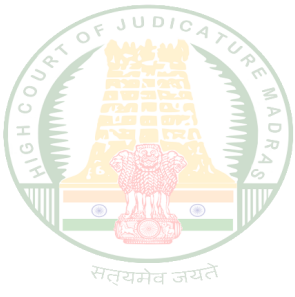
Mark a copy of this order to:

- (i) *The Chief Secretary, State of Tamil Nadu, Fort St.George, Chennai – 600 009.*
- (ii) *The office of the State Government Pleader, High Court, Madras.*

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To:

1. The Chairman
Teachers Recruitment Board,
College Road,
Chennai-600 006.
2. The Collector
Tirupattur, Tirupattur District.
3. The Revenue Divisional Officer
Tirupattur District.



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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

(sasi)

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