

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22/9/2015

C O R A M

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE K.K.SASIDHARAN

W.A. No.951 of 2015

The Secretary
Tamil Nadu Public Service Commission
Frazer Bridge Road
VOC Nagar
Chennai 600 003.Appellant/4th Respondent

Vs

1. M. Selvakumar
2. State of Tamil Nadu
rep. By Chief Secretary
Fort St. George
Chennai 600 009.
3. Secretary to Government
Government of Tamil Nadu
Personnel & Administrative Reforms Department
Fort St. George
Chennai 600 009.
4. Secretary to Government
Government of Tamil Nadu
Department of Social Welfare
Nutritious Meal Programme
Secretariat
Chennai 600 009. Respondents/Petitioners 1 to 3

Writ Appeal filed under Clause 15 of the Letters Patent against the judgment dated 15/7/2013 made in W.P.No.1391 of 2010.

PRAYER: Petition filed under Article 226 of the constitution of India for a writ of certiorarified Mandamus, calling for the concerned records from the 3rd respondent and to quash the Advertisement No.219 issued by the 4th respondent issued in the 15th November 2009 Edition of the The Hindu News Paper in so far as not extending the 3% reservation for physically handicapped person to the post of

Junior Employment Officer assistant Inspector of Labour and Probation Officer and consequently direct the respondents to fill up all the vacancies (1089) notified in the Advertisement No. 219 by extending the benefit of 3% reservation to the persons with disability as provided under Section 33 of the persons with the Disabilities (Equal Opportunities Protection of Rights and full participation) Act 1995.

For appellant : Mr.P.H.Aravindh Pandian
Additional Advocate General

For respondents : Mrs.Balan Haridoss for R.1

Mr.P.S.Sivashanmugasundaram
Special Government Pleader
for R.R.2 to 4.

J U D G M E N T

(Delivered by SATISH K. AGNIHOTRI, J.,)

With the consent of the parties, the main appeal itself is taken up for final disposal.

2. The issue involved herein as to whether the differently-abled persons are entitled to preferential consideration against 3% reservation for Physically Handicapped Person, to the post of Junior Employment Officer, Assistant Inspector of Labour and Probation Officer under Section 33 of the persons with the Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, came into consideration in other appeal, being W.A. No.849 of 2015 (The Secretary, Tamil Nadu Public Services Commission, Frazer Bridge Road, VOC Nagar, Chennai 600 003 Vs. 1. R. Sreejith and 4 others).

3. A Division Bench of this Court, considering all the facts of the case, dismissed the said appeal on 02 July 2015, upholding that all the differently-abled persons are entitled to the said benefit in all posts and no exception can be made out, while extending reservation of seats. The instant appeal is squarely covered by the said decision.

4. Accordingly, this Writ Appeal is dismissed. No costs.
Connected M.P.No.1 of 2015 is closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To

1. The Chief Secretary
State of Tamil Nadu
Fort St. George
Chennai 600 009.
2. The Secretary to Government
Government of Tamil Nadu
Personnel & Administrative Reforms Department
Fort St. George
Chennai 600 009.
3. The Secretary to Government
Government of Tamil Nadu
Department of Social Welfare
Nutritious Meal Programme
Secretariat
Chennai 600 009.

+1cc to Mr.M.Devendran, Advocate Sr.51848
+1cc to Mr.Balan Haridas, Advocate Sr.51762

W.A. No.951 of 2015

tej[co]
srg 1.10.2015

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