

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2015

CORAM:

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

Writ Petition No.15212 of 2015

R.Ramesh

...Petitioner

vs.

The Secretary,
Tamil Nadu Public Service Commission (TNPSC)
Chennai - 600 003.

...Respondent

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Mandamus, directing the respondent to grant extra time of 50% not exceeding one hour at the time of writing the TNPSC Group I written examination from 05.06.2015 to 07.06.2015 as mentioned in G.O.Ms.No.270 Social Welfare and Nutritious Meal Programme Department, dated 29.09.1993 based on the representation of the petitioner dated 10.04.2015.

For Petitioners : Mr.K.Murugesan

For Respondents : Ms.C.N.G.Niraimathi

O R D E R

The petitioner is a physically challenged person with 50% disability. He passed M.Sc Degree and belongs to Scheduled Caste Arundathiyar community. सत्यमेव जयते

2. The petitioner successfully cleared Group I preliminary exam conducted by Tamil Nadu Public Service Commission (TNPSC) for the year 2013. He applied for the main written exam, scheduled to be held from 05.06.2015 to 07.06.2015.

3. As per Notification issued by TNPSC, the duration of written examination is 3 hours. The grievance of the petitioner is that since he is a physically challenged person, he could not complete the written examination within 3 hours and he requires extra time to complete the exam.

4. As per G.O.Ms.No.270 Social Welfare and Nutritious Meal Programme dated 29.09.1993, the petitioner is entitled to get extra time of 50% not exceeding one hour. Hence, he made a representation dated 10.04.2015 to the respondent to grant him extra time as per the aforesaid Government Order. However, no order was passed by the respondent, either accepting or rejecting his request. Hence, the petitioner has filed this writ petition.

5. The petitioner moved this Court during vacation on 27.05.2015. In view of the urgency of the matter, this Court ordered notice of motion returnable by 02.06.2015.

6. On service of notice, Ms.Niraimathi, learned Standing Counsel for TNPSC has appeared and submitted that as per the Notification, 3 hours time is granted to all the candidates, who appear for the examination. She would further submit that extra time would be granted to physically challenged persons, if they take the assistance of scribe and even then, 1/2 hour is granted as extra time. The learned Standing Counsel relied on the instructions issued to the candidates in this regard.

7. I have considered the submissions made by the learned counsel on either side.

8. G.O.Ms.No.270 dated 29.09.1993 is extracted hereunder:-

" The Government have decided in principle to give extra time of 50% not exceeding 1 hour (one hour) to physically handicapped persons at the time of writing any examination.

2. Accordingly, sanction is accorded for availing by the physically handicapped persons extra time of 50% not exceeding one hour at the time of writing any examinations. The details regarding the working of this system will be issued separately.

3.The Director of Rehabilitation of Disable is requested to send details regarding the working of this system to Government immediately."

9. When G.O.Ms.No.270 dated 29.09.1993 provides extra time of 50% not exceeding 1 hour (one hour) to physically handicapped persons, TNPSC is not expected to say that only 30 minutes extra time would be granted. Hence, I am of the view that petitioner should be granted extra time in the light of the aforesaid Government Order.

10. Accordingly, the writ petition is disposed of by directing the respondent to grant extra time of one hour in the light of G.O.Ms.No.270 Social Welfare and Nutritious Meal Programme Department, dated 29.09.1993, to the petitioner, who is a physically challenged person and similarly placed persons, at the time of writing TNPSC Group I written examination, scheduled to be held from 05.06.2015 to 07.06.2015. No costs.

svki

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

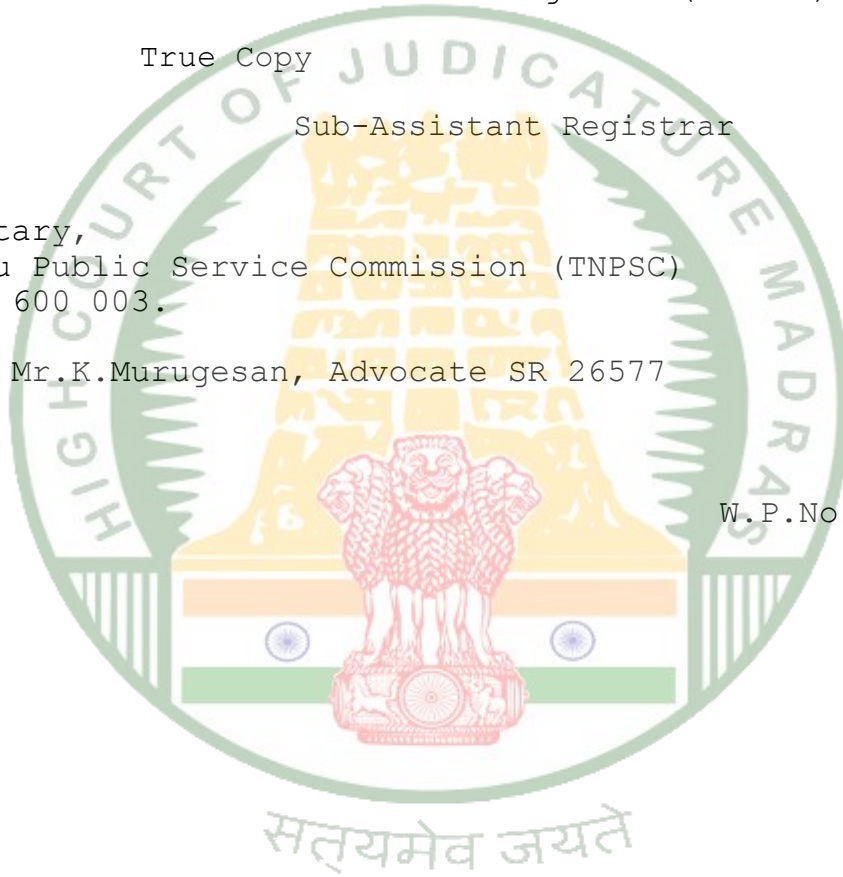
To

The Secretary,
Tamil Nadu Public Service Commission (TNPSC)
Chennai - 600 003.

+ 1 cc to Mr.K.Murugesan, Advocate SR 26577

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