



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.02.2015

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WEB COPY

THE HONOURABLE MR.JUSTICE K.RAVICHANDRA BAABU

W.P.(MD) No.285 of 2015

Mallika

... Petitioner

vs.

1. The Chairman,
Tamilnadu Public Service Commission
Frazer Bridge Road,
V.O.C. Nager Park Town, Chennai-600 003.

2. The Commissioner,
Labour Department, Chennai.

3. The Joint Commissioner
Labour Department, Chennai.

4. The Inspector
Labour Department, Thoothukudi.

5. The Assistant Inspector
Labour Department
1st Circle Kovilpatti
Thoothukudi District

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus to direct the 5th respondent to permit the petitioner to join as Assistant in Labour Department as per the order issued by the 2nd respondent in G1/58376/2010-1 dated 09.12.2014.

For Petitioner : Mr.S.Muniyandi
For Respondents : Mr.K.P.Krishnadoss for R1,
Government Advocate
Mr.N.S.Karthikeyan for R2 to R5,
Addl. Government Pleader

O R D E R

The petitioner seeks for a mandamus directing the 5th respondent to permit her to join as Assistant in Labour Department as per the order issued by the 5th respondent dated 09.12.2014.



2. The case of the petitioner is as follows:

She is 100% blind person and completed 12th standard at Government Higher Secondary Blind School. Thereafter, she completed the Master Degree in Arts at Madurai Kamaraj University and she joined in B.Ed. Course. The first respondent published a Notification on 13.06.2012 for selection of Assistant at the Labour Department. The petitioner applied for the said post. There was some reservation for the blind persons. The petitioner successfully written the examination with the help of another person and thereafter the second respondent issued the appointment order on 09.12.2014 appointing the petitioner at the 5th respondent office. When the petitioner went to the 5th respondent office, she was not permitted to join duty as Assistant only on the reason that she could not do the job with 100% blindness. Thus, the present writ petition is filed with the relief as stated supra.

3. Mr. P. Krishnadoss, learned Government Advocate, appearing for the 1st respondent and Mr. N. S. Karthikeyan, learned Additional Government Pleader, appearing for the respondents 2 to 5 submitted, based on the instructions given to them, that the petitioner being 100% blind person, cannot perform the job of Assistant at the 5th respondent office and however, as she was selected and given appointment order on 09.12.2014 by the 2nd respondent, she will be considered for an alternative employment based upon her disability, provided, if she approaches the third respondent.

4. The learned counsel for the petitioner submitted that the petitioner is not having any objection for taking an alternative employment, provided, the same is given to the petitioner.

5. Accordingly, this writ petition is disposed of with a direction to the petitioner to approach the third respondent with a written request seeking for alternative employment within a period of seven days from the date of receipt of a copy of this order. On receipt of such request, the third respondent shall provide her alternative employment within a period of two weeks thereafter. No costs.

Sd/-

Assistant Registrar (Per. Admn.)

/True Copy/

Sub-Assistant Registrar

To

1. The Chairman, Tamilnadu Public Service Commission,
Frazer Bridge Road, V.O.C. Nager Park Town, Chennai-600 003.

<https://hcservices.ecourts.gov.in/hcservices/>

2. The Commissioner, Labour Department, Chennai.



3.The Joint Commissioner, Labour Department, Chennai.

4.The Inspector, Labour Department, Thoothukudi.

5.The Assistant Inspector, Labour Department,
1st Circle Kovilpatti, Thoothukudi District.

+1cc to Mr.S.Muniyandi, Advocate, in SR. No.6301/15.

+1cc to Mr.K.P.Krishnadoss, Advocate, in SR. No.6509/15.

+1cc to Special Government Pleader, in SR No.6655/15.

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11.02.2015

RR

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