

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2016

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.2007 of 2011

and M.P.No.1 of 2011

R.Kandasamy

.. Petitioner

Vs

- 1.The Government of Tamil Nadu,
Rep.by its Secretary,
Education Department,
Fort St.George, Chennai 600 009.
- 2.The Director of School Education,
College Road, Chennai 600 006.
- 3.The Chairman,
Teachers Recruitment Board,
College Road, Chennai 600 006.
- 4.The Principal Secretary,
State Commission for Physically Challenged
No.15/1, Model School Road,
Thousand Lights, Chennai 600 006.
- 5.The District Employment Officer,
District Employment Exchange,
Erode District.

.. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the respondents 2 and 3 to appoint the petitioner as Physical Education Teacher under the handicapped quota as per G.O.(Ms)No.63, Social Welfare and Nutrious Meal Programme Department dated 18.03.2010 by considering the representation dated 24.12.2010.

For Petitioner

: Mr.C.Vediappan for
Mr.S.Vijayan

For Respondents

: Mr.R.Govindasamy
Spl.Govt.Pleader.

O R D E R

The petitioner seeks for a direction to the respondents 2 and 3 to appoint him as Physical Education Teacher under the handicapped quota as per G.O(Ms)No.63 Social welfare and Nutritious Meal Programme Department dated 18.03.2010.

2. Heard Mr.C.Vediappan, learned counsel appearing for the petitioner and Mr.R.Govindasamy, learned Special Government Pleader appearing for the respondents.

3. The learned counsel for the petitioner submits that the petitioner is physically challenged who has completed B.Com., Degree in the year 1996 and Bachelor of Physical Education (B.P.Ed.,) during 2000. He also possesses various other qualifications touching upon the fields of Physical Education. According to the learned counsel for the petitioner, the Government of Tamil Nadu had taken a policy decision to reserve 3% of the vacancies in all State Public Services/Educational Institutions and to that effect has issued G.O.Ms.No.602, Social Welfare Department dated 14.08.1981 and G.O.Ms.No.63, Social Welfare and Nutritious Meal Programme (SW4) Department dated 18.03.2010. The petitioner has made a representation dated 24.12.2010 to the 4th respondent seeking for appointment as Physical Education Teacher under physically handicapped quota.

4.Mr.R.Govindasamy, learned Special Government Pleader has filed a counter affidavit stating that Recruitment Rules barred the respondents to the post of Physical Education Teacher and submitted that no person with physical disability can be considered for appointment.

5. It is needless to point out that if at all the respondents feel that the petitioner is not entitled for any reservation under the physically challenged quota, it is open to them to communicate the same by way of reply to the petitioner. On the other hand, the respondents have kept the representation pending in cold storage without consideration. Hence, it would be appropriate to issue necessary directions to the respondent, to consider the representation of the petitioner.

6.Accordingly, the 4th respondent is directed to consider the petitioner's representation dated 24.12.2010, on its own merits and pass appropriate orders in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. The petitioner is also directed to give a copy of the representation dated 24.12.2010 to the second respondent along with a copy of this order.

With the above observation, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

kkd

To

- 1.The Secretary,
Government of Tamil Nadu,
Education Department,
Fort St.George, Chennai 600 009.
- 2.The Director of School Education,
College Road, Chennai 600 006.
- 3.The Chairman,
Teachers Recruitment Board,
College Road, Chennai 600 006.
- 4.The Principal Secretary,
State Commission for Physically Challenged
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- 5.The District Employment Officer,
District Employment Exchange, Erode District.

+1 cc to Government pleader sr 62848

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