

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 4/1/2016

C O R A M

THE HONOURABLE MR. JUSTICE S.MANIKUMAR

Contempt Petition No.844 of 2014

A. Ganesamoorthy

Petitioner

Vs

1. Mr.Apurva Varma, I.A.S
Secretary
Higher Education Department
Fort St. George
Chennai 600 009.
2. Mr.P.K.Manoharan
Registrar
Bharathiyar University
Coimbatore 641 046.
3. Mr.M.Aruchami
Secretary
Kongunadu Arts & Science College
(Autonomous)
G.N.Mills Post
Coimbatore 641 029.
4. Tmt.D.Sabitha, I.A.S
Secretary
School Education Department
Fort St. George
Chennai 600 009.
5. V.K.Jeyakodi, I.A.S
Commissioner for Differently abled
I Floor
Social Resource of Training Centre
Behind Jawaharlal Nehru Peripheral Hospital
Jawaharlal Nehru Inner Ring Road
K.K.Nagar
Chennai 600 078.

Respondents.

Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondents for willfully and deliberately violating the order of this Court passed in W.P.No.392 of 2010 dated 4/3/2011.

For petitioner ...	Mr.Balan Haridas
For respondents ...	Mr. P.H.Aravindh Pandian Additional Advocate General for R.R.1, 2, 4 and 5 Mr.K.Shakespear for R.3.

O R D E R

This Contempt Petition has been filed, to punish the respondents, for willfully and deliberately violating the order passed by this Court in W.P.No.392 of 2010 dated 4/3/2011.

2. In a writ petition for a mandamus, directing the third respondent, to provide for 3% reservation for the physically handicapped in respect of the entire non-teaching posts, as per the cadre strength and further direct the third respondent, to appoint the petitioner as a Record Clerk in the third respondent College, pursuant to the advertisement in 'Dinamani' Coimbatore Edition, dated 23/12/2009, on 04.03.2011, general directions were issued.

3. Alleging disobedience of the orders of this Court, Contempt Petition No.844 of 2014 has been filed.

4. Counter affidavit has been filed on behalf of the Secretary to the Government (Higher Education). However, not satisfied with the same, this Court was constrained, to issue statutory notice.

5. On this day, Ms.Apoorva, I.A.S., D/o.Mr.M.P.Balaraman, Secretary to the Government, Higher Education Department, is present.

6. Mr.P.H.Aravindh Pandian, learned Additional Advocate General submitted that for implementation of the decision made in W.P.No.392 of 2010, the Government have issued G.O.Ms.No.500 Higher Education (D 1) Department dated 29/12/2015 which reads as follows:-

Higher Education (D 1) Department

G.O.(Ms) No.500 Dated: 29/12/2015

1. Hon'ble High Court of Madras order dated 4/3/2011 in W.P.No.392 of 2010.
2. Government letter No.8387/D1/2010-8 dated 28/11/2011
3. Government letter No.8387/D1/2010-13 dated 28/3/2014
4. G.O.(Ms) No.107 Higher Education (E 1) Department dated 14/5/2015.
5. Government letter No.8387/D1/2010-14 & 16 dated 12/11/2015
6. Government letter No.8387/D1/2010-18 dated 19/11/2015.

- - - - -
O R D E R

The Hon'ble High Court in it's order dated 4/3/2011 in W.P.No.392 of 2010 among others has directed that:

"The Government has to call for the list of vacancies and to fill up the posts with differently abled persons in the respective Universities and Aided Educational Institutions and thereafter, issue appropriate instructions directing them to fill up the posts."

2. As per the above orders of Hon'ble Court, the Government in the letter second read above have called for details of vacancies for filling up of posts reserved for Differently-abled in the Universities coming under the aegis of Higher Education Department.

3. In the Government letter third read above, Registrars of all Universities were requested to furnish the details of vacancies in the prescribed format in respect of filling up of the posts for Differently-abled in the Universities.

4. In the Government order fourth read above, the Government have directed all Universities under

the control of Higher Education Department to impose the following conditions while granting affiliation to Government/Aided/Self-financing Arts and Science Colleges:-

(i). to fill up 3% of the post under teaching/Non-teaching category from differently abled persons.

(ii). To fill up the post of Assistant Professors with visually impaired persons with 25% salary subsidy in Self-financing Arts and Science Colleges.

5. In the Government letter fifth read above necessary instructions have been issued to the Registrars of all Universities to furnish a status report with reference to action taken by the Universities to fill up the vacancies with differently abled persons as per 3% reservation.

6. There are 13 Universities under the aegis of Higher Education Department, 8 Universities have complied with 3% Reservation for Differently Abled persons in the teaching and non-teaching posts by recruiting 172 differently abled persons. There are 22 vacancies in the teaching and non-teaching posts for differently abled persons in 5 Universities. In the Government letter sixth read above, the Government have directed the respective Universities to take appropriate action to fill up the remaining 22 vacancies with Differently-abled persons.

7. The Government have examined the matter in the light of orders of Hon'ble High Court of Madras in W.P.No.392/2010 and direct the Registrars of all Universities under the control of Higher Education Department to take effective steps to fill up the vacancies of both teaching and non-teaching posts with differently-abled persons in the University's

Departments, University Constituent Colleges etc., as per Persons with Disabled (Equal Opportunities, Protection and Rights and full participation) Act, 1995. Any lapse in this regard will be viewed seriously by the Government."

7. In addition to the above, he further submitted that proceedings dated 18/12/2015, have been issued by the Director of Collegiate Education, Chennai, directing the College, to appoint the petitioner as Record Clerk, as a special case. Accordingly, the petitioner, who has appointed, on 23/12/2015 by the Secretary, Kongunadu Arts & Science College, Coimbatore, as Record Clerk, has joined duty, on 30/12/2015. He further submitted that the Secretary to the College, has also sent a letter dated 30/12/2015 to the Joint Director of Collegiate Education, Coimbatore, seeking approval of the appointment of the petitioner, as Record Clerk, as a special case, from 30/12/2015 and that the same would be granted. The learned Additional Advocate General further submitted that after approval, salary would be disbursed periodically.

8. In view of the abovesaid Government Orders, there is no need to keep this Contempt Petition pending. This Court, sincerely hopes that orders issued by the Government, time and again, towards implementation of the Persons with Disabled (Equal Opportunities, Protection and Rights and full participation) Act, 1995, would be honoured in letter and spirit.

mvs.

SD/
DEPUTY REGISTRAR(OS)

//Certified to be true copy//

Dated at Madras this the day of 2015.

COURT OFFICER(O.S.)

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One CC to Government Pleader, SR.87

One Cc to M/s.Balan Haridas, Advocate, SR.117

To

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