

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2016

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE M.M.SUNDRESH

W.P.No.48698 of 2006

P.Simma Chandran,
Secretary,
Tamilnadu Handicapped Federation
Charitable Trust. ... Petitioner

-vs-

- 1.State of Tamilnadu,
rep. by its Secretary for State,
Department of Revenue,
Fort St. George.
Chennai-600 009.
- 2.Tamilnadu Public Service Commission,
Omanthur Estate,
Chennai-600 005.
- 3.Special Commissioner for Persons with Disability,
Model School Road,
Thousand Lights,
Chennai-600 006. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus calling for the records of the impugned order bearing G.O.No.618 dt. 16.09.2006 passed by the first respondent and quash the same to the extent it is violative of the Persons With Disabilities Act, 1995 and further direct the respondents to reserve 3% of the post in the V.A.O. selections as per the Act.

For Petitioner : Mr.B.Vijayakumar

For Respondents : Mr.P.H.Arvinth Pandian
Addl. Advocate General
assisted by
Mr.STS.Moorthy
Government Pleader &
Mr.V.Shanmugasundar
Govt. Advocate for R1 & R3
Mr.M.Loganathan for R2

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

An affidavit has been filed before us along with two Government Orders dated 29.02.2016 and 02.03.2016 [G.O.(Ms) No.113, Revenue (Ser.7(1) Department and G.O.Ms.No.13, Welfare of Differently Abled Persons (DAP-3.2) Department]. In compliance with the direction of the Court, these Government Orders have been issued now reserving 263 posts under categories "A" and "B", which have been identified in pursuance to the template prepared by the Central Government for the benefit of the persons, who are differently abled.

2. It is also pointed out that in so far as the subject matter in the present petition is concerned qua recruitment of the Village Administrative Officers by the Tamil Nadu Public Service Commission, once again the earlier G.O.(Ms) No.644, Revenue, dated 19.11.2007 has been amended by G.O.(Ms) No.113, Revenue (Ser.7(1)) Department, dated 29.02.2016.

3. The learned Additional Advocate General thus submits that needful has been done to bring the Government Order in conformity with the legal position, a position not disputed by the learned counsel for the petitioner.

4. The only apprehension expressed by the learned counsel for the petitioner is that the requirement of the Medical Board opining that the differently abled persons would be able to perform the task of the post may be misused to shut out the persons. We do appreciate the concern of the learned counsel for the petitioner, as often there is an issue of mind-set involved. The learned Additional Advocate General assures that all endeavour would be made to see to it that the requirement is not misused. We are of the view that in any case any individual case comes up or there is any difficulty in implementation arising from the said requirement, it will be open to the petitioner or the affected party to approach the Court.

5. We appreciate the final decision taken by the State Government to bring the Government Order in conformity with the norms.

6. No further directions are required in this matter and the writ petition is accordingly closed. No costs.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

bbr

To

1.The Secretary for State,
Department of Revenue,
Fort St. George.
Chennai-600 009.

2.Tamilnadu Public Service Commission,
Omanthur Estate,
Chennai-600 005.

3.The Special Commissioner for Persons with Disability,
Model School Road,
Thousand Lights,
Chennai-600 006.

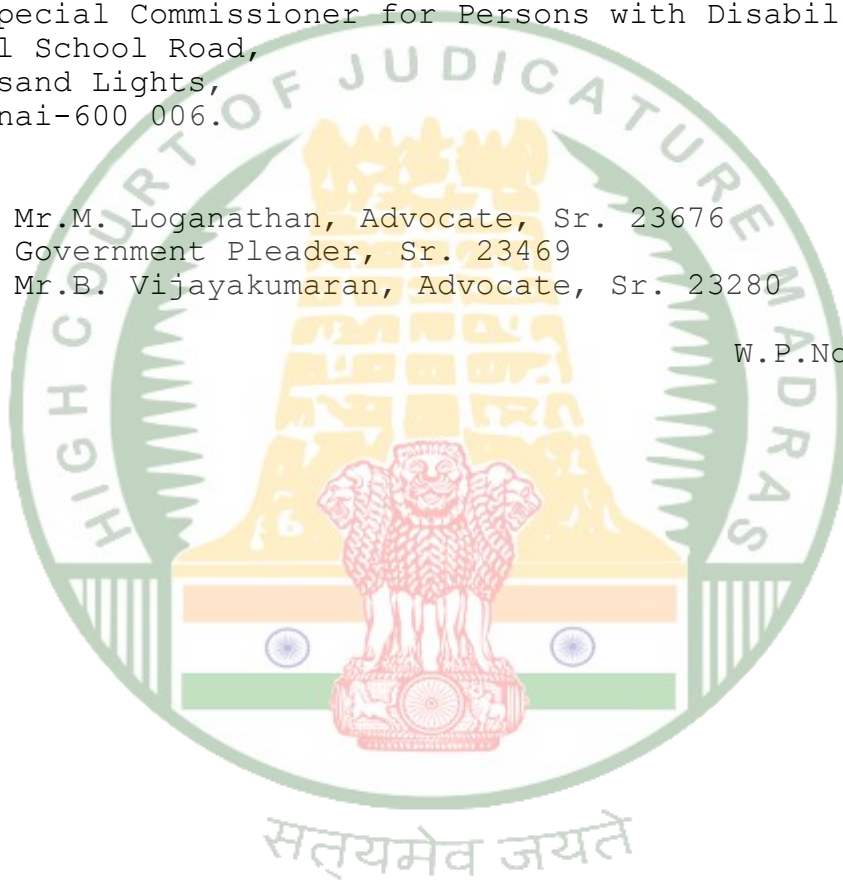
1 cc to Mr.M. Loganathan, Advocate, Sr. 23676

1 cc to Government Pleader, Sr. 23469

1 cc to Mr.B. Vijayakumaran, Advocate, Sr. 23280

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