



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2016

CORAM:

WEB COPY THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P(MD) No. 22386 of 2015 and
W.P(MD) Nos. 3648 and 3720 of 2016

and

M.P(MD) No. 1 of 2015

and

WMP(MD) Nos. 3265, 3266, 3341 and 3342 of 2016

R.Ganesh Pandian ... Petitioner in W.P(MD) No. 22386 of 2015
Vetriyan ... Petitioner in W.P(MD) No. 3648 of 2016
Vijaya Lakshmi ... Petitioner in W.P(MD) No. 3720 of 2016

Vs.

1. The State Commissioner for Disabled
Office of the State Commissioner for Disabled,
Chennai - 600 078.

2. The Director of Employment & Training,
Guindy, Chennai - 600 032.

3. The Assistant Director,
District Employment Officer,
Virudhunagar.

... Respondents in All W.Ps

Common Prayer: Writ Petition are filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 2 & 3 herein to sponsor the name of the petitioners to the first respondent for consideration to the Post of "Multipurpose Rehabilitation Aid" and consequently direct the respondents herein to permit the petitioners herein to participate in the selection process in the Post of "Multipurpose Rehabilitation Aid" in accordance with the Rules in the public appointment.

For Petitioner in all W.Ps : Mr. Veera Kathiravan

For Respondents in all W.Ps : Mr. S. Satheeskumar,
Additional Government Pleader

**COMMON ORDER**

The petitioners seek for a Mandamus directing the respondents 2 & 3 herein to sponsor the name of the petitioners to the first respondent for consideration to the Post of "Multipurpose Rehabilitation Aid" and consequently direct the respondents herein to permit the petitioners herein to participate in the selection process for the Post of "Multipurpose Rehabilitation Aid" in accordance with the Rules in the public appointment.

2. The case of the petitioners is that they are having valid degree in Bachelor of Physiotherapy issued by the Tamil Nadu Dr.M.G.R.Medical University, Chennai. They have also completed CRIA Training and they have sufficient experience as Physiotherapist. They have also registered their names with the third respondent for the Post of Physiotherapist with the qualifications obtained. While the matter stood thus, the first respondent has called for application for the Post of Assistant in the nature of "Multi Purpose Rehabilitation Aid". There are twelve vacancies in the said Post. The first respondent had requested the second respondent to sponsor the candidates having eligible qualifications. The second respondent despite the petitioners having required qualifications and they are eligible to apply for the Post called for, has not sponsored the petitioners' name. Hence, they have come forward with the present Writ Petitions for the above stated relief.

3. The petitioners also tried to make distinction between the degree certificate and diploma certificate in physiotherapy and prayed that they have to be considered for the purpose of selection to be scheduled on 26.02.2016 by the first respondent.

4. After notice, the learned Additional Government Pleader states that the minimum qualification prescribed for the Post of "Multi Purpose Rehabilitation Aid", is satisfied by the petitioners. However, he would contend that the petitioners are over qualified for the said Post. The second objection raised by the learned Additional Government Pleader is that the petitioners have not registered their name with the employment office, Virudhunagar, but they are registered only in Madurai.

5. The above said two objections are assailed by the learned counsel for the petitioners stating that only when the petitioners do not have the required qualification, they cannot apply for the Post. But, admittedly, they are qualified to apply though may be overqualified. Secondly, the petitioners have registered only with the Assistant Director, District Employment Office, Virudhunagar, and they have also furnished the identity card in the typed set of papers to that effect.



6. Heard the submissions made on either side and perused the materials available on records.

7. As both the objections raised by the learned Additional Government Pleader on behalf of the respondents are unacceptable, this Court is of the view that the petitioners have to be allowed to participate in the selection process.

8. In view of the above, the respondents 2 and 3 are directed to sponsor the name of the petitioners to the first respondent for consideration to the Post of "Multi Purpose Rehabilitation Aid" and permit the petitioners to participate in the selection process. As it is stated that the selection process is scheduled tomorrow ie., 26.02.2016, the first respondent may permit the petitioners to participate in the selection process without insisting on the sponsoring of the name of the petitioners from the second and third respondents for the present.

With the above direction, the Writ Petitions are disposed of. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO.Dept)

/True copy/

Sub Assistant Registrar
Madurai Bench of Madras High Court,
Madurai.

pm
To

1.The State Commissioner for Disabled
Office of the State Commissioner for Disabled,
Chennai - 600 078.

2.The Director of Employment & Training,
Guindy, Chennai - 600 032.

3.The Assistant Director,
District Employment Officer, Virudhunagar.

+1 cc to Mr.Veera Kathiravan, Advocate, SR No.10880
+2 cc to Mr.G.MARIAPPAN, Advocate, SR Nos. 10879 & 10881
+1 cc to Special Government Pleader, SR No.10964

RG.JGB-DP/AR-I 25.02.2016 3P/8C