



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:23.11.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

and

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

WA(MD)No.1443 of 2016

and

C.M.P(MD)No.10159 of 2016

Sumaiya

.. Appellant/Petitioner

Vs.

1.The Chief Secretary,
Secretary to Government,
Secretariat,
St. George Fort,
Chennai.

2.The Director,
Information and Public Relationship Department,
Secretariat,
St. George Fort,
Chennai.

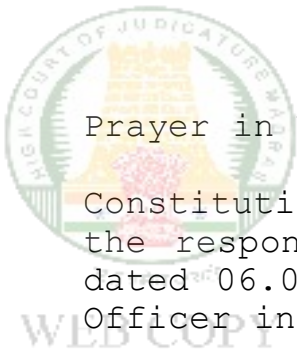
3.The Commissioner for the State Disability Board,
O/o.State Disability Board,
Jawaharlal Nehru Inner Circle Road,
K.K.Nagar,
Chennai- 600 078.

4.The District Collector,
O/o.The District Collector,
Theni District,
Theni.

5.The District Disability Welfare Officer,
O/o.the District Disability Welfare,
Theni District,
Theni.

.. Respondents/Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent to set aside the order, dated 24.08.2016 made in W.P(MD) No.15731 of 2016 and allow this Writ Appeal.



Prayer in WP(MD). 15731/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus directing the respondents 1 to 3 to consider the petitioner representation dated 06.06.2016 and appointing the petitioner as Public Relation Officer in any one of their department on compassionate ground.

For Appellant :Mr.R.Murugappan
For R-2 to R-5 :Mr.R.Velmurugan,
Government Advocate

JUDGMENT

(Judgment of this Court was delivered by M.SATHYANARAYANAN, J.)

By consent, this Writ Appeal itself is taken up for final disposal.

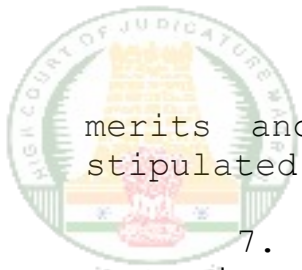
2. Mr.R.Velmurugan, learned Government Advocate accepts notice on behalf of respondent Nos.2 to 5.

3. The appellant claims that she is a disabled person otherwise called 'differently abled person' and her height is below 3 ft., and the Government of Tamil Nadu has also issued a Disability Certificate categorizing her disability as 62% and even with that, she has completed M.A(Literature) and B.Ed.

4. It is also stated by the appellant that she also belongs to Backward Class and her elder brother is also affected due to mental illness. The petitioner enrolled her name with the third and fifth respondents and she is waiting for employment opportunity. Since on account of non-employment, she and her family is suffering very much, she submitted a representation, dated 06.06.2016 to the respondents, praying for employment on equitable grounds. Despite receipt and acknowledgment of the same, no response is forthcoming. Hence, she came forward to file the Writ Petition.

5. The Writ Petition was listed for admission on 24.08.2016 and the learned Judge having found that the Post sought for by the petitioner, is recruited through competitive examination conducted by the Government and hence, the request made by the petitioner cannot be granted and dismissed the Writ Petition, citing the said reason, on the same day itself. Challenging the same, the present Writ Appeal is filed.

6. The learned counsel appearing for the appellant/writ petitioner would submit that though the appellant has prayed for <https://hcservices.ecourts.gov.in/hcservices/> for the Writ Petition, it would suffice to direct the second and third respondents to consider her representation, on



merits and in accordance with law and pass orders, within a stipulated time.

7. This Court heard the submissions of the learned counsel appearing for the appellant and the learned Government Advocate appearing for respondent Nos.2 to 5.

8. This Court taking into consideration the limited scope of the prayer sought for by the petitioner, without going into the merits of the same, directs the respondent Nos.2 and 3 to consider and dispose of the appellant/Writ Petitioner's representation, dated 06.06.2016, on merits and in accordance with law and pass orders, within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the appellant/Writ Petitioner.

The Writ Appeal is disposed of accordingly. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To

- 1.The Director,
Information and Public Relationship Department,
Secretariat, St. George Fort, Chennai.
- 2.The Commissioner for the State Disability Board,
O/o.State Disability Board,
Jawaherlal Nehru Inner Circle Road,
K.K.Nagar, Chennai- 600 078.
- 3.The District Collector,
O/o.The District Collector, Theni District, Theni.
- 4.The District Disability Welfare Officer,
O/o.the District Disability Welfare,
Theni District, Theni.

+1 cc to MR.R.MURUGAPPAN, Advocate SR.NO.72036

+1 cc to The Special Government Pleader in SR.No.72438

pm

CSL/PV/SAR-III/29.11.2016 :3P/6C

**WA (MD) No.1443 of 2016
23.11.2016**