



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A. (MD) No.1094 of 2015

and

M.P. (MD) No.1 & 2 of 2015

M.Tharujideen

... Petitioner/Appellant

Vs.

1. The District Collector,
Ramanathapuram,
Ramanathapuram District.

2. The District Disabled Rehabilitation Officer,
District Rehabilitation Centre,
Ramanathapuram.

3. Regional Transport Officer,
Ramanathapuram,
Ramanathapuram District.

... Respondents/Respondents

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent, to set aside the order dated 20.06.2012 passed in W.P.(MD).No.2071 of 2011 on the file of this Court.

Prayer in WP(MD). 2071/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the 2nd respondent to consider the petitioner for appointment to the post of Driver in the 2nd respondent office within the period that may be stipulated by this Honourable Court.

For Appellant

: Mr.M.Mohamed Imran
Additional Government Pleader

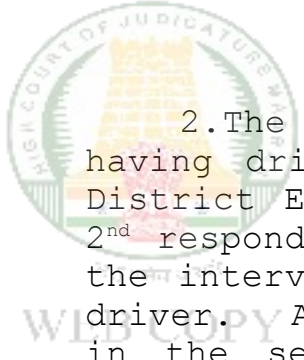
For Respondents

: Mr.M.Govindan
Special Government Pleader

JUDGMENT

[Judgment of the Court was delivered by **G.R.SWAMINATHAN, J.**]

The unsuccessful Writ Petitioner is on appeal challenging the order dated 20.06.2012 made in W.P.(MD).No.2071 of 2011.



2.The appellant is a physically challenged person. He is having driving license. He has also enrolled his name in the District Employment Exchange, Ramanathapuram. The office of the 2nd respondent issued a memo calling upon the appellant to attend the interview on 03.01.2011 for appointment to the post of Jeep driver. According to the appellant, he successfully participated in the selection tests. However, he was not issued with any appointment order. The appellant therefore filed the said Writ Petition for directing the 2nd respondent to consider him for appointment to the post of Driver. The learned single Judge however, dismissed the writ petition. Aggrieved by the same, this intra-Court appeal has been filed.

3.Heard the learned counsel for the parties.

4.The learned single Judge noted that the Writ Petitioner suffered 60% of disability. The report of the Regional Medical Board, Government Rajaji Medical Hospital, Madurai is also adverse to the Writ Petitioner. It was categorically find that the appellant was unfit for the job of driver. Even though the appellant is having a driver license, he is fit to drive only modified vehicles. In other words, he is not fit to drive all the motor vehicles.

5.The learned single Judge has dismissed the Writ Petition only after categorically find that the Writ Petitioner was not physically fit to drive all light motor vehicles. In fact the learned single Judge was shocked to note as to how the regular driving license was issue in favour of the Writ Petitioner in the first place.

6.The learned single Judge wanted to the extent of directing communication of a copy of the writ order, so as to take continue measures to prevent the un appropriate issuance of driving license by the Regional Transport Offices. The learned single Judge is right in Writ Petition and concurrent with the reasoning found in the order under appeal. This Writ Appeal is completely without merit and stands dismissed. No Costs.

Sd/-

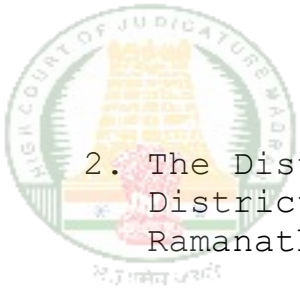
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector,
Ramanathapuram,
Ramanathapuram District.



2. The District Disabled Rehabilitation Officer,
District Rehabilitation Centre,
Ramanathapuram.

3. Regional Transport Officer,
Ramanathapuram,
Ramanathapuram District.

+1cc to M/s Ajmal Associates, Sr.No.72268
+1cc to Spl.Government Pleader Sr.No.72646

DSS/KM

VB/MR/KKR/SAR1/27/09/2017/3P/6C

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and
M.P. (MD) No.1 & 2 of 2015**

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