



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM  
and  
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A. (MD) No.1294 of 2013  
and  
M.P. (MD) .No.2 of 2014

The Teachers Recruitment Board  
Rep. by its Secretary  
College Road  
Chennai - 6

... Appellant

-vs-

1.S.M.Renganathan

2.The Secretary to Government  
School Education Department  
Fort.St.George, Chennai  
(R2 is suo motu impleaded vide order  
dated 07.02.2017)

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 13.12.2012 made in W.P.(MD).No.6905 of 2010, on the file of this Court.

**Prayer in WP(MD) . 6905/ 2010 :**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus or any other appropriate Writ or order or direction in the nature of Writ directing the respondent to call the petitioner for certificate verification and pass such further or other orders as this Hon ble Court may deem fit and proper in the circumstances of this case and thus render justice.

For Appellant : Mr.V.R.Shanmuganathan,  
Special Government Pleader

For Respondents : Mr.P.Arun Jayatram for R1  
No appearance for R2

**J U D G M E N T****[Judgment of the Court by T.S.SIVAGNANAM, J.]**

Heard Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the appellant / respondent and Mr.P.Arun Jayatram, learned counsel appearing for the first respondent / writ petitioner and carefully perused the materials placed on record.

2. This writ appeal by the Teachers Recruitment Board is directed against the order, dated 13.12.2012, made in W.P.(MD). No.6905 of 2010.

3. The first respondent filed the writ petition praying for issuance of a writ of mandamus to direct the appellant / Teachers Recruitment Board to call for him for certificate verification for being considered for appointment to the post of B.T.Assistant. The first respondent / writ petitioner is a graduate in Bachelor of Science and he holds B.Ed., Degree and he is a physically handicapped (deaf) person. According to him, in the light of Section 33 of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, his case has to be considered and he should have been called for certificate verification.

4. It appears that when the case came up before the Writ Court, the learned counsel appearing for the respondent / writ petitioner probably was of the view that the same is covered by the decision of the Division Bench in W.P.No.27231 of 2007, dated 19.11.2007 and it would be disposed of on the same lines.

5. The appellant / respondent is before this Court contending that in respect of the School Education Department, the said decision of the Division Bench would not be applicable and it pertains to Higher Education Department and insofar as the teaching posts in School Education Department is concerned, the Tamil Nadu State and Sub-Ordinate Services Rules has been amended, vide notification, dated 26.09.2016, by which the second proviso was added in Rule 22(aa), which includes reservation for the deaf.

6. The learned counsel appearing for the appellant / respondent would submit that the respondent / writ petitioner should be considered and he should be provided employment.

7. After considering the submissions of the learned counsels on either side and carefully perusing the materials placed on record, we are inclined to accept the submissions of the learned Special Government Pleader appearing for the appellant / respondent as there has been a specific amendment to Rule 22(aa)



by insertion of the second proviso, which is reads as follows :

(ii) "Provided also that in the teaching posts of School Education Department, Adi Dravidar and Tribal Welfare Department, Social Welfare Department and Backward Classes and Most Backward Classes Department, other than orthopedically physically handicapped, the reservation for the blind shall be two percent, and there shall be no reservation for the deaf in the non - teaching posts in the above Departments, other than orthopedically physically handicapped, the reservation for the deaf shall be two percent, and there shall be no reservation for the blind."

8. In terms of the above rule, there is no reservation for deaf in the School Education Department, Adi Dravidar and Tribal Welfare Department, Social Welfare Department and Backward Classes and Most Backward Classes Department and the reservation is with regard to the orthopedically handicapped candidates alone.

9. Admittedly the respondent / writ petitioner has not challenged the said Rule. Therefore, in our considered view, no useful purpose would be served by directing the appellant / respondent to consider the respondent / writ petitioner's request. Further, we are of the clear view that the directions issued by the Division Bench, in W.P.No.27231 of 2001, could not be made applicable to the School Education Department in the light of the specific amendment to the relevant Rule. However, we give liberty to the respondent / writ petitioner to apply for a suitable post as and when notification is issued by the appellant - Teachers Recruitment Board. The respondent / writ petitioner is also at liberty to apply for any non-teaching posts in the School Education Department or any other Department as and when notification is issued.

10. With the above observations, the writ appeal stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assiatant Registrar

To:

1.The Secretary to Government,  
School Education Department,  
P.O. St. George, Chennai.



2.The Teachers Recruitment Board  
College Road  
Chennai - 6

+1cc to Spl.Government Pleader Sr.No. 50404

WEB COPY  
skm/krk

vb/sc/mms/sar3/20.04.2014/4p/4c

**W.A. (MD) No.1294 of 2013**

**and**

**M.P. (MD) .No.2 of 2014**

**04.04.2017**