

THE HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.21163 of 2013

ORDER:

Heard.

2. The present Writ Petition came to be filed seeking issuance of writ of mandamus declaring the action of the respondents in not considering the case of the petitioner for appointment to the post of Junior Plant Attendant (JPA) under physically handicapped quota, as illegal and arbitrary.

3. The averments in the affidavit filed in support of the writ petition would show that the petitioner was appointed as JPA in the office of the second respondent and worked in INOWEL Constructions Private Limited in the year 2005-2006. Thereafter, the petitioner was transferred to Brother Engineering and Erectors Limited from 2006 to 2010. During the said period, the petitioner met with an accident due to which he underwent treatment for nearly 1 ½ years. Thereafter, the second respondent arranged for treatment under ESI quota. After recovering from the said accident, the second respondent announced jobs of JPA posts and called for written examination. It is stated that the petitioner applied for the said post and appeared for written examination. It is further stated that there were 9 posts earmarked for the post of JPA out of which, 7 were filled up under general category and other reservations, while two posts were earmarked for physically handicapped persons. It is the grievance of the petitioner that though he is having 70% disability, his case was not considered for appointment. Hence, the writ petition.

4. Basing on the oral instructions, learned Standing Counsel for APGENCO would submit that the argument advanced by the learned counsel for the petitioner that the request of the petitioner was not considered though there

were vacancies is incorrect. According to her, all the vacancies are filled up and that the petitioner is not entitled for the said post.

5. Learned counsel for the petitioner would submit that if there is no vacancy and if the petitioner is otherwise qualified, a direction may be given to the respondent-authorities to consider his case, as and when vacancy arises.

6. In view of the above submission, the writ petition is disposed of directing the respondents to consider the case of the petitioner under physically handicapped quota, if there are any vacant posts and if the petitioner is otherwise qualified, in accordance with law. No costs.

Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

24.04.2017
vnb



JUSTICE C. PRAVEEN KUMAR