

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2018

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.Nos.33792 and 33793 of 2017

R.Saravanakumar

.. Petitioner
in W.P.No.33792/2017

M.Senthil Kumar

.. Petitioner
in W.P.No.33793/2017

Vs

1.The Secretary to Govt.,
Welfare of Differently Abled
Persons Department,
Secretariat, Fort St. George,
Chennai - 9.

2.The State Commissioner of Disabled,
State of Tamil Nadu, Kamarajar Salai,
Chennai - 5.

3.The Teacher Recruitment Board,
Rep. By its Chairman,
4th Floor, EVR Sampath Maligai,
DPI Compound, College Road,
Chennai - 6.

.. Respondents
in both WPs

Prayer in W.P.No.33792/17: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the third respondent to consider the appointment of the petitioner to the post of Post Graduate Assistant bearing Registration No.17PG19110002, for which the petitioner took his examination on 02.07.2017 under the backward class orthopedically impaired category in accordance with G.O.Ms.No.21, Welfare of Deifferently abled person dated 30.05.2017.

Prayer in W.P.No.33793/17: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the third respondent to consider the appointment of the petitioner to the post of Post Graduate Assistant bearing Registration No.17PG15110243, for which the petitioner took his examination on 02.07.2017 under the backward class

orthopedically impaired category in accordance with G.O.Ms.No.21, Welfare of Deifferently abled person dated 30.05.2017.

In both WPs

For petitioners :Mr.M.Muthappan

For respondents :Mr.V.Jeyaprakash Narayanan, Spl.GP

COMMON ORDER

The petitioners have filed these writ petitions seeking a direction to the third respondent / the Chairman, Teachers Recruitment Board, Chennai, to consider them for appointment to the post of Post Graduate Assistant bearing Registration Nos.17PG19110002 and 17PG15110243 respectively, as they have participated in the written examination conducted on 02.07.2017, under the backward class orthopedically impaired category in accordance with G.O.Ms.No.21, Welfare of Differently Abled person dated 30.05.2017.

2. When the matter is taken up, learned Special Government Pleader appearing for the respondents submitted that the prayer as sought for by the petitioners has become infructuous in view of the order passed by the Hon'ble Division Bench of this Court in W.P.No.13350 of 2017, dated 15.12.2017 (Tamil Nadu Association for the Rights of all types of Differently Abled and Caregivers, rep. By its State Secretary, Vs. the Secretary to Government and others). For better appreciation, paragraph No.9 thereof is stated below:-

"9. In the light of the above, this Writ Petition is disposed of, by directing the respondents to issue fresh notification for filling up the reservation category of posts, and endeavour to complete the entire process within a period of three months from the date of receipt of a copy of this order. The learned counsel appearing for the petitioner, in the course of arguments, expressed another difficulty, in respect of the candidates, who have participated in the earlier selection and secured higher marks, but not accommodated on account of stay granted by the Court. If those candidates are eligible to apply under the fresh notification, it is open to them to do so, and if there are any other individual grievance, then, that

can be agitated by way of separate proceedings and the present order will not put an embargo on the those candidates/persons, to agitate their rights in the manner known to law. No costs. Consequently, connected Writ Miscellaneous Petition is closed."

3. The prayer in the above said writ petition was to direct the third respondent therein to issue fresh Notification providing 4% reservation as per Section 34 of the Rights of Persons with Disabilities Act, 2016. As could be seen from the above said order, this Court has already given a direction to the respondents to issue fresh Notification for filling up the reservation category of posts. Therefore, the prayer as sought for in these writ petitions seeking to consider the petitioners under the reserved category (Orthopedically impaired category) has become infructuous.

4. Accordingly, in the light of the order passed by the Hon'ble Division Bench as stated supra, the writ petitions are dismissed as infructuous. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Govt.,
Welfare of Differently Abled Persons Department,
Secretariat, Fort St. George,
Chennai - 9.
- 2.The State Commissioner of Disabled,
State of Tamil Nadu, Kamarajar Salai,
Chennai - 5.
- 3.The Chairman,
The Teacher Recruitment Board,
4th Floor, EVR Sampath Maligai,
DPI Compound, College Road, Chennai - 6.

+ 2 ccs to Mr. A. Peramasivan, Advovcate SR.14132, 14297

+ 1 cc to Government Pleader SR.14788

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of 2017

KS(CO)

EU(12/03/2018)