

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.23237 of 2015
and
MP.2 and 3 of 2015

M.Murugesan

... Petitioner

Vs

LIC, OF INDIA, SOUTH ZONE
Rep. by its Zonal Manager,
LIC Building, 153, Anna Salai,
Chennai-600 002.

... Respondents

PRAYER : Petitions filed under Article 226 of the Constitution of India to issue of Writs of Certiorarified Mandamus, to call for the entire records in connected with the impugned Advertisement dated 01.06.2015, and quash the same and consequently, direct the respondent to notify the Vacancies afresh in accordance with Section 33 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 with the required Qualifications, Age Limit, Marks relaxation for Appointment for the Persons with Disabilities within a time frame fixed by this Hon'ble Court.

For Petitioner : Mr.S.Sathia Chandran

For Respondents : Mr.C.K.Chandrasekhar

सत्यमेव जयते
O R D E R

The recruitment Advertisement given in the Official Website of the LIC, South Zone on 01.06.2015, is under challenge in this writ petition, on the ground that the notification is in violation of Section 33 of the Persons with Disabilities and (Equal Opportunity, Protection of Rights and Full Participation) Act, 1995.

2.The learned counsel appearing on behalf of the writ petitioner made a submission that pursuant to the recruitment notification the writ petitioner submitted his application for appointment to the post of Apprentice Development Officer, (in South Zone). As per the Advertisement, 410 vacancies were

notified for the General category, 146 vacancies were for the other Backward Classes and 95 vacancies were reserved for Scheduled Castes and 3 vacancies were for the Scheduled Tribes. However, there is no reservation for the Disabled persons as per the impugned notification. Therefore, the notification is to be scrapped on the ground that the mandatory requirement of reservation of disabled person as provided in section 33 of the Persons with Disabilities Act 1995 has not been complied with.

3.The learned counsel for the petitioner is of an opinion that the reservation policy in respect of the Differently abled person is a Mandate and as of now, all the public Authorities are bound to follow the provisions of the Disabilities Act scrupulously and any recruitment notification issued contrary to the same is to be quashed and revised notification is to be issued by the competent appointment authority.

4.The learned counsel appearing on behalf of the respondents opposed the contention by stating that undoubtedly the notification was issued on 01.06.2015, and in the order dated 12.04.2001, the Chief Commissioner for persons with Disabilities, accepting the exemption of the post of Apprentice Development Officer for Differently abled persons. At the outset, the learned counsel for the respondents is of an opinion that the post of Apprentice Development Officer is exempted from the provisions of the Disability Act and therefore not providing the reservation for Disabled person is not an infirmity or irregularity. However, the said order has been passed in the year 2001 and it is not clear, whether the same is in force as of now or not.

5.The learned counsel for the respondents brought to the notice of this Court that pursuant to the interim order granted by this Court 3% of Posts of Apprentice Development Officers are kept vacant. However, the writ petitioner was not qualified even though he participated in the interview. In other words the writ petitioner is an unsuccessful candidate and therefore now he cannot claim any appointment based on the Provisions of the said Act or otherwise. The results of the written examination were published on 22.08.2015, and the petitioner was declared unsuccessful.

6.This Court is of an opinion that the petitioner himself is not qualified to participate in the interview. Thus, there is no reason to adjudicate the other grounds raised in this writ petition. In respect of the implementation of the Provisions of Disability Act, it is left open to the aggrieved persons to approach the Court in the manner known to law and raise all the issues in relation to the reservation for the Disabled person

under the provisions of the Act. The learned counsel for the petitioner states that as per section 32B, the authorities competent are bound to review in every three years.

7. May that it be, this Court is of the opinion that the writ petitioner is a failed candidate and therefore no relief as such sought for in this writ petition can be granted and all the issues regarding the reservation are kept open for adjudication by the respective parties in the manner known to law.

8. With these observations the writ petition stands dismissed. However, there shall be no order as to costs. Consequently connected miscellaneous petitions are also dismissed.

Sd/-
Assistant Registrar (CS VIII)

//True Copy//

Sub Assistant Registrar

stm

To

LIC, OF INDIA, SOUTH ZONE
Rep. by its Zonal Manager,
LIC Building, 153, Anna Salai,
Chennai-600 002.

+lcc to Mr.C.K.Chandrasekar, Advocate Sr.47501
+lcc to Mr.S.Sathiachandran, Advocate Sr.47744

सत्यमेव जयते

W.P.No.23237 of 2015

ak[co]
srg 10/08/2018

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