

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.01.2018

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.1286 of 2018 and
WMP.Nos.1615 and 1616/2018

M.Ezhilarasi ...Petitioner

Versus

1. The State of Tamil Nadu
rep. by its Deputy Secretary to Government,
Personnel and Administrative Reforms (U)
Department, Secretariat, Fort St. George,
Chennai-9.
2. The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road, V.O.C.Nagar,
Park Town, Chennai-3. ... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned Proceedings issued by the 1st respondent in Letter No.34840/U2/2017-1 dated 03.11.2017 and to quash the same and consequently, directing the respondents to allow the petitioner to join the post of Typist in School Education Department, Secretariat, Chennai-9, based on the order of appointment/allotment issued by the 1st respondent in Letter No.34840/U2/2017-1 dated 13.10.2017 based on the selection of the petitioner under Physically Disabled Category forthwith, with all consequential and other attendant benefits.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.V.Jayaprakash Narayanan,
Special Government Pleader for R1
Dr.M.Devendaran,
Standing Counsel for R2

O R D E R

Challenging the impugned Proceedings issued by the 1st respondent in Letter No.34840/U2/2017-1 dated 03.11.2017, the present Writ Petition has been filed.

2. Learned Counsel for the petitioner submitted that the petitioner is qualified with BCA from Thiruvallurvar University in the year 2008 and also qualified with Typewriting Higher Grade, both in Tamil and English. This apart, she has completed Certificate Course in Computer on Office Automation and also registered her name in the Employment Exchange for suitable appointment. In the meanwhile, the Tamil Nadu Public Service Commission issued a Notification No.15/2016 dated 9.8.2016 for direct recruitment for various categories of posts in Group-IV Services including the posts of Junior Assistant and Typist.

3. The learned Counsel for the petitioner further submitted that after applying for the posts of Junior Assistant and Typist on 18.08.2016 through online and appeared for the Written Examination held on 6.11.2016, the petitioner was selected for appointment by direct recruitment to the post of Typist included in Group-IV services for the year 2015-2016 as per the orders issued by the 2nd respondent dated 19.7.2017 since she has secured 124.50 marks.

4. The learned Counsel for the petitioner also submitted that the petitioner was issued with a Communication dated 22.3.2017 to attend the Certificate Verification to be conducted on 10.5.2017 and during Certificate Verification, though the petitioner produced the Disability Certificate issued by the District Differently Abled Welfare Department dated 27.1.2014, she was asked to produce the Certificate for the Persons with Disability in the Standard Format to be signed by Members of District Medical Board. On that basis, the petitioner appeared before the District Medical Board on 24.5.2017 and obtained the said Certificate and forwarded the same to TNPSC through Speed Post with acknowledgment. Thereafter, she was issued with a Call Letter to attend Counselling for allotment of department as per the Proceedings of the 3rd respondent dated 30.6.2017. Based on the same, the petitioner attended the Counselling that took place on 30.8.2017 and she was allotted to Tamil Nadu Secretariat Service. Subsequently, the Deputy Secretary to Government, Personnel and Administrative Reforms Department, Secretariat, Chennai-9 issued Allotment Order dated 13.10.2017 to the petitioner for appointment to the post of Typist in School Education Department, Secretariat, Chennai-9. Though the petitioner reported for duty on 27.10.2017 before the Secretary to Government, School Education Department, she was not allowed to join the post of Typist. However, she was issued with the Communication of the 2nd respondent, namely, TNPSC, dated 30.10.2017 stating that since the petitioner claimed in her Online Application for Recruitment to the Post of Typist in the category of MBC (W) Blind, she has to produce Disability Certificate obtained from the Medical Board in Original to the effect that she is blind with required percentage of disability.

5. Now the grievance of the petitioner is that while submitting her application through Online, on verification of the column relating to Orthopaedically challenged, since her disability relates to physical deformity on her face due to Prognathism whereas Prognathism relating to orthopaedically

challenged coming under the category of Locomotor Disability under Orthopaedically Challenged, she was under mistaken impression that since prognathism leading to low vision, the petitioner mentioned 'Yes' against visually impaired Low Vision (LV). Therefore, the learned Counsel for the petitioner would pray for a direction to give a detailed explanation by the petitioner pursuant to the impugned order and further direction to the 1st respondent to consider the same as the petitioner was already selected and appointed to the post of Typist.

6. Mr.V.Jayaprakash Narayanan, learned Special Government Pleader takes notice for the 1st respondent and Dr.M.Devendran, learned Standing Counsel takes notice for the Tamil Nadu Public Service Commission.

7. While the petitioner was selected for the post of Typist and issued with the Allotment Order dated 13.10.2017 for appointment to the post of Typist in School Education Department, Secretariat, Chennai-9 by the 1st respondent, the impugned order dated 3.11.2017 withdrawing her appointment order without notice needs consideration. Therefore, the petitioner is directed to send a detailed explanation within two weeks from the date of receipt of a copy of this Order to the 1st respondent and on receipt of the same, the 1st respondent, if it is filed within the stipulated time, is directed to consider the same and pass appropriate orders on merits and in accordance with law within a period of four weeks thereafter.

8. The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petitions are also closed.

Sd/
Assistant Registrar

/True copy/

सत्यमेव जयते

Sub Assistant Registrar

To

1. The Deputy Secretary to Government,
State of Tamil Nadu,
Personnel and Administrative Reforms (U)
Department, Secretariat, Fort St. George,
Chennai-9.

2. The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road, V.O.C.Nagar,
Park Town, Chennai-3.

+1cc to the Government Pleader SR.No.5834/18

+1cc to Mr.G.Sankaran Advocate SR.No.4778