

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.12543 of 2013

1.R.Kumar
2.M.Murugesan
3.R.Laximanan
4.G.Mohanraj

.. Petitioners

Vs.

1.The Secretary to Government
Department of Welfare of
Differently Abled and Social Reforms,
Fort St. George,
Chennai.

2.The State Commissioner,
Department of Welfare of
Differently Abled Persons,
Thousand Lights,
Chennai.

3.The Secretary to Government,
Department of School Education,
Fort St. George,
Chennai.

4.The Member Secretary
Teachers Recruitment Board,
4th Floor, EVK Sambath Building,
College Road, Chennai 6.

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents herein to pass an order by appointing the petitioners herein as secondary grade teachers in the elementary schools and middle schools run by the department of school education in terms of Section 33 and 38 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 by passing similar orders in G.O.Ms.No.16, dated 28.05.2010 issued by Department of Welfare of Differently Abled and G.O.Ms.No.202 dated 06.08.2012 issued

by Department of School Education, for the physically challenged persons who were successfully passed the Diploma in Teacher Education conducted by the Department of Government Education.

For Petitioners : Mr.N.Sahul Hameed

For Respondents : Mr.K.Karthikeyan for R1 to R4
Government Advocate

ORDER

This Writ Petition has been filed directing the respondents herein to pass an order by appointing the petitioners herein as secondary grade teachers in the elementary schools and middle schools run by the Department of School Education in terms of Section 33 and 38 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 by passing similar orders in G.O.Ms.No.16, dated 28.05.2010 issued by Department of Welfare of Differently Abled and G.O.Ms.No.202 dated 06.08.2012 issued by Department of School Education, for the physically challenged persons who were successfully passed the Diploma in Teacher Education conducted by the Department of Government Education.

2. The Writ Petitioners herein are all orthopedically handicapped persons now commonly called as differently abled persons. The State Government had allotted the quota of 3% reservation for all handicapped persons for appointment of differently abled persons in Government Services and Educational Institutions. Thereafter, the Government had modified the quota by allotting 2% reservation for visually handicapped persons and 1% reservation for other handicapped persons and thus, the Government has provided only 1% reservation for appointment in Government Services and admission in Educational Institutions in respect of all other the handicapped persons.

3. Pursuant to the notification of the Teachers Recruitment Board, the Writ Petitioners herein had applied for the selection to the post of Secondary Grade Teacher for Panchayat Union Elementary Schools. The Writ Petitioners also participated in the certificate verification. Thereafter, the Writ Petitioners were not selected for the post of Secondary Grade Teacher. Thus, the Writ Petitioners have filed the present Writ Petition before this Court.

4. According to the learned counsel for the petitioners, the Writ Petitioners were not selected on the reason that the Writ

Petitioners have not undergone Diploma in Teacher Training course in the Government Institution but the petitioners had undergone Diploma in the Private Institution. Therefore, this is arbitrary and against the rights guaranteed under Articles 14 and 16 of Constitution of India.

5. The learned Government Advocate for the respondents appearing before this Court contended that the relief sought for in the present Writ Petition cannot be granted for the reason that the Writ Petitioners applied for the said post during the year 2009 and however, they were not selected. Whereas, they made a representation only on 26.11.2012, that too, after a lapse of three years. Hence, prays for dismissal of this Writ Petition.

6. Considering the above submission of both the learned counsel for the Writ Petitioners as well as the learned Government Advocate appearing for the respondents, this Court cannot entertain the said submission of the Writ Petitioners at this stage. Further, the Writ Petitioners have made the representation after a period of three years from the date of non-selection. Therefore the contention of the Writ Petitioners is rejected as devoid of merits. The Writ Petitioners can approach the authority concerned to include the approved Private Institutions for selection for the post of Secondary Grade Teacher in the Elementary School.

7. With the above terms, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

vkr
To

1.The Secretary to Government
Department of Welfare of
Differently Abled and Social Reforms,
Fort St. George,
Chennai.

2.The State Commissioner,
Department of Welfare of
Differently Abled Persons,
Thousand Lights,
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3.The Secretary to Government,
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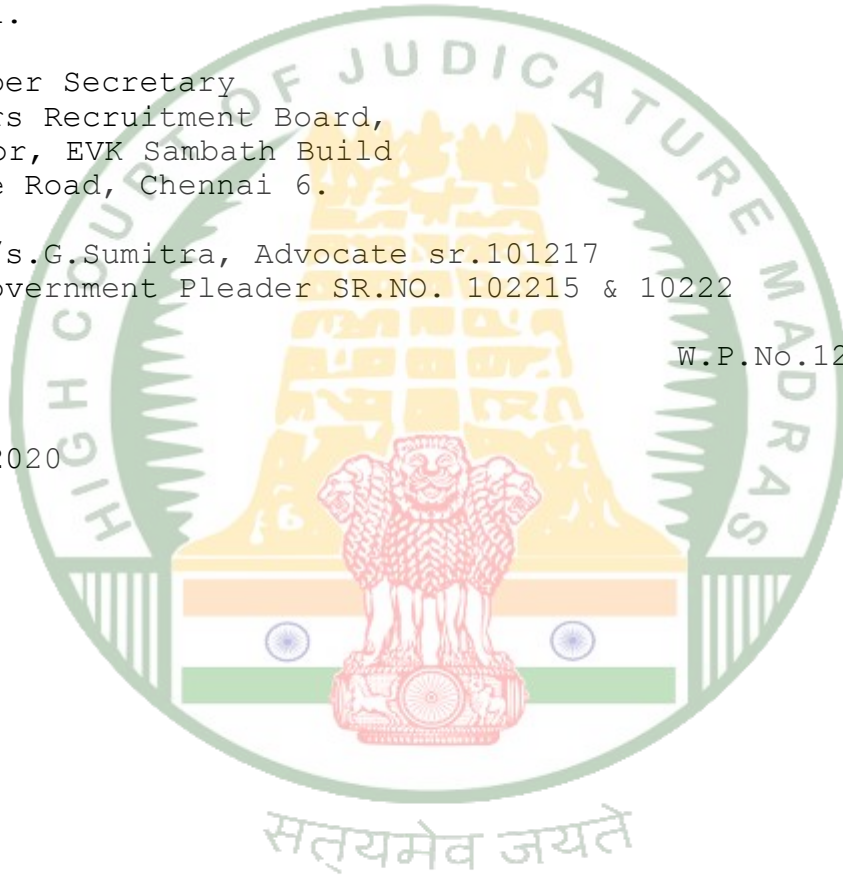
4.The Member Secretary
Teachers Recruitment Board,
4th Floor, EVK Sambath Build
College Road, Chennai 6.

+1cc to M/s.G.Sumitra, Advocate sr.101217

+1cc to Government Pleader SR.NO. 102215 & 10222

W.P.No.12543 of 2013

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nr 12/02/2020



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