

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 27.11.2019
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.32372 of 2019

And

W.M.P.Nos.32680 and 32683 of 2019

1.R.Vidhya

2.R.Balamurugan

... Petitioners

Vs.

1.State of Tamilnadu,
Rep. by its Secretary,
School Education,
Fort St.George,
Chennai - 600 009.

2.State of Tamilnadu,
Rep. by Secretary,
Social Welfare and Differently Abled Persons Dept.,
Fort St.George,
Chennai - 600 009.

3.The Director of School Education,
DPI Campus,
College Road,
Chennai - 600 006.

4.The Teachers Recruitment Board,
Rep. by its Chairman,
DPI Campus,
College Road,
Chennai - 600 006.

सत्यमेव जयते

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the fourth respondent with respect to the Notification No.10 of 2019 dated 12.06.2019 to the post of P.G.Assistants so far as Clause 7-C of the Notification is concerned with respect to the prescription of 50% qualifying marks for the physically challenged persons such as the petitioner herein in the examination, quash the same and consequently direct the respondents to fix a separate and distinct pass marks of 30% for persons with physical disability

by taking into consideration the persons with disabilities Act, 2016 and accordingly select and appoint the petitioners to the post of P.G.Assistant (Mathematics) and P.G.Assistant (Zoology) respectively with all attendant monetary and service benefits.

For Petitioner : Ms.Dakshayani Reddy
For Respondent : Ms.P.Kavitha for R1 to R3
Government Advocate
Mr.M.Loganathan for R4

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records of the fourth respondent with respect to Notification No.10 of 2019, dated 12.06.2019 to the post of P.G.Assistants so far as Clause 7-C of the Notification is concerned with respect to the prescription of 50% qualifying marks for the physically challenged persons such as the petitioner herein in the examination, to quash the same and to consequently direct the respondents to fix a separate and distinct pass mark of 30% for persons with physical disability by taking into consideration the persons with disabilities Act, 2016 and accordingly select and appoint the petitioners to the post of P.G.Assistant (Mathematics) and P.G.Assistant (Zoology) respectively, with all attendant monetary and service benefits.

2.Heard the arguments advanced on either side. By consent, the writ petition is taken up for final disposal.

3.Though the petitioner has filed this writ petition seeking a larger relief, the learned counsel appearing for the petitioner, on instructions, would now submit that the selection process has already been completed and hence, this Court need not interfere with the Notification, however, the petitioners may be permitted to make representation to the second respondent and the second respondent may be directed to pass orders on the same.

4.The learned Government Advocate would concede to the request made by the learned counsel appearing for the petitioner.

5.In view of the above, this Court permits the petitioners to make representation to the second respondent and if any such representation is received, the second respondent shall consider the same and pass appropriate orders, on merits and in accordance with law, as expeditiously as possible.

6.The writ petition is accordingly disposed of. No costs.
Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary,
School Education,
Fort St.George,
Chennai - 600 009.
- 2.The Secretary,State of Tamilnadu,
Social Welfare and Differently Abled Persons Dept.,
Fort St.George,
Chennai - 600 009.
- 3.The Director of School Education,
DPI Campus,
College Road,
Chennai - 600 006.
- 4.The Chairman, Teachers Recruitment Board,
DPI Campus,
College Road,
Chennai - 600 006.

+1 cc to Government Pleader Sr.No. 99997

+1cc to M/s.Dakshayani Reddy, Advocate SR.No. 99801

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A.SK(20/01/2020)

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