



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

and

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.8941 of 2019

Bala Murugan,
Typist, District Munsif Court,
Othanchattram,
Dindigul District.

: Petitioner

Vs.

The Principal District Judge,
Principal District Court,
Dindigul.

: Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the respondent to give alternative employment to the petitioner in the light of Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1955 by considering the petitioner's representation, dated 07.04.2016 and 27.02.2019 within a time that may be stipulated by this Court.

For Petitioner : Mr.M.Mahaboob Athiff
for M/s.Ajmal Associates
For Respondent : Mr.Mohamed Mohideen

O R D E R

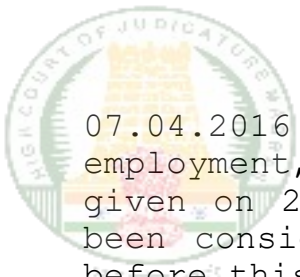
[Order of the Court was made by **K.RAVICHANDRABAABU, J.**]

The petitioner seeks for Mandamus directing the respondents to provide alternative employment, in the light of Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1955, by considering his representations, dated 07.04.2016 and 27.02.2019.

2.Heard the learned counsel appearing for the petitioner and Mr.Mohamed Mohideen, learned standing counsel for the respondents.

3.The case of the petitioner in short is as follows:-

The petitioner was selected and appointed as a Typist in the District Munsif Court, Ottanchathiram, Dindigul District and he joined the service on 07.03.2016. While he was travelling to take part in the lok-adalat proceedings in his two wheeler on 12.03.2016, he met with an accident, which has resulted in sustaining grievous injuries and consequently permanent disability on the petitioner. Thus, the petitioner is not able to perform the duties as Typist. Consequently, the petitioner addressed a representation, on



07.04.2016 to the respondents to provide him an alternative employment, in view of his disability. Further representation was given on 27.02.2019 and however, both the representations have not been considered so far. Hence, the present writ petition is filed before this Court with the relief as stated supra.

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4.The learned counsel for the petitioner reiterated the above contentions and submitted that since the petitioner has suffered grievous injuries and consequently is not in a position to perform his duties as Typist, due to his disability, he must be provided with an alternative employment as contemplated under Section 47 of the said Act.

5.On the other hand, the learned counsel for the respondent submitted that the percentage of disability has not been ascertained so far and therefore, without doing so, the petitioner is not entitled to seek for protection under Section 47 of the Act. However, he fairly submitted that if the petitioner appears before the competent Medical Board of a Government Hospital and obtains a certificate indicating the percentage of disability, the respondent will consider the request of the petitioner based on the said certificate.

6.Considering the above stated facts and circumstances and without expressing any view on the merits of the claim made by the petitioner as of now, this writ petition is disposed of with the following directions:-

(a).The petitioner shall appear before the Medical Board of Rajaji Government Hospital, Madurai, for ascertaining the percentage of disability, within a period of two weeks from the date of receipt of a copy of this order;

(b).The Medical Board, Rajaji Government Hospital, Madurai, shall examine the petitioner and ascertain the percentage of disability suffered by him and issue a certificate to that effect within a period of two weeks thereafter; and

(c).The petitioner shall produce the disability certificate before the respondent and on receipt of such certificate, the respondent shall consider the claim of the petitioner and pass orders on merits and in accordance with law, within a period of four weeks.

No costs.

sd/
Assistant Registrar

/True Copy/



To

The Principal District Judge,
Principal District Court,
Dindigul.

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+1 CC to Mr.T.S.MOHAMED MOHIDHEEN, Advocate (SR-67011[F] dated
06/06/2019)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-67536[F] dated
10/06/2019)

Order made in
W.P. (MD) No. 8941 of 2019
Dated: 06.06.2019

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