



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.3798 of 2015

WEB COPY

M.Kamaraj

... Petitioner

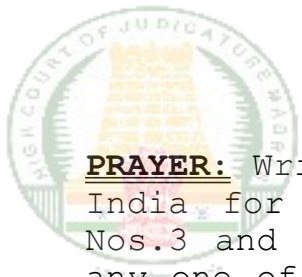
vs.

- 1.The Union of India
rep.by the Principal Secretary
Ministry of Social Justice and Empowerment
New Delhi
- 2.The Deputy Chief Commissioner /
Chief Commissioner for Disabilities
Office of the Deputy Chief Commissioner /
Chief Commissioner for Disabilities
No.6, Sarojini House, Bhagavan Doss Road
New Delhi
- 3.The Secretary and DAC
National AIDS Control Organization
Department of AIDS Control (DAC)
6th and 9th Floor, Chandralok Building
36, Janpath, New Delhi 110 001
- 4.The State of Tamil Nadu
rep.by the Principal Secretary
Social Welfare and Nutritious Meal
Program Department
State of Tamil Nadu
Fort St.George, Chennai.
- 5.The State of Tamil Nadu
rep.by the Principal Secretary
Health and Family Welfare Department
State of Tamil Nadu
Fort St.George, Chennai
- 6.The State Special Commissioner for
Differently Abled
Office of the State Special Commissioner
for Differently Abled
Jawaharlal Nehru Inner Circle Road
Ashok Nagar, Chennai-78

<https://hcservices.ecourts.gov.in/hcservices/>

- 7.The Project Director
Tamil Nadu State AIDS Control Society
No.417, Pandheon Road, Egmore, Chennai

... Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the Respondent Nos.3 and 7 to provide appropriate employment to the petitioner in any one of the post in Tamil Nadu State AIDS Control society, under Section 33 and 41 of The Persons with Disabilities (Equal Opportunities Protection of Rights and Full Participation) Act 1995 and on the basis of the order passed by the Respondent No.2 in case No. 660/1011/2013 dated 13.11.2013 and letter sent by the Respondent No.6 to the Respondent No. 7 in Na.Ka.No.10301/Ma.Thi.Na. 3.1/2010 dated 13.10.2010 within a time stipulated by the Court.

For Petitioner : Mr.R.Alagumani

For Respondents : Mrs.P.Thenmozhi

Central Government Standing Counsel for R1 to R3
Mr.M.Jeyakumar

Additional Government Pleader for R4 to R6

Mr.B.Prahalad Ravi for R7

ORDER

The relief sought for in the present writ petition is to direct Respondents 3 and 7 to provide appropriate employment to the writ petitioner in any one of the post in Tamil Nadu State AIDS Control Society, under Sections 33 and 41 of the Persons with Disabilities (Equal Opportunities Protection of Rights and Full Participation) Act 1995 and on the basis of the order passed by the second respondent in case No.660/1011/2013, dated 13.11.2013, and letter sent by the sixth respondent to the seventh respondent in Na.Ka.No.10301/Ma.Thi.Na.3.1/2010, dated 13.10.2010, within a stipulated time.

2. The grievance of the writ petitioner is that he is fully qualified for appointment in the respondent / Society.

3. This Court is of the considered opinion that mere eligibility would not confer any right on the candidate to claim appointment. Appointment can never be claimed as a matter of right. All appointments are to be made strictly in accordance with the rules in force. The Tamil Nadu State Aids Control Society is an Organization constituted under a special project. The Project Director is governed by the set of rules of the Society. The appointments are to be made by following the rules in force. Mere eligibility or submission of application would not confer any right on the writ petitioner to file a writ petition and seek a direction to appoint him in a particular post or in any suitable post. There may be so many other eligible candidates, who all are waiting for appointments. Thus, the case of the writ petitioner also is to be considered along with all other eligible candidates, in the event of undertaking the process selection by the competent authority, in accordance with the rules in force.



4. With these observations, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

/ True Copy /

Sub Assistant Registrar (CS-)

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To:

1. The Principal Secretary,
Union of India,
Ministry of Social Justice and Empowerment,
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2. The Deputy Chief Commissioner /
Chief Commissioner for Disabilities,
Office of the Deputy Chief Commissioner /
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No.6, Sarojini House, Bhagavan Doss Road, New Delhi.
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4. The Principal Secretary,
Social Welfare and Nutritious Meal
Program Department, State of Tamil Nadu,
Fort St. George, Chennai.
5. The Principal Secretary,
Health and Family Welfare Department,
State of Tamil Nadu, Fort St. George, Chennai.
6. The State Special Commissioner for
Differently Abled,
Office of the State Special Commissioner
for Differently Abled,
Jawaharlal Nehru Inner Circle Road, Ashok Nagar, Chennai-78.

+1 CC to M/s.M.LOGANATHAN, Advocate (SR-70615[F] dated 21/06/2019)
+1 CC to M/s.SPL GP (SR-70716[F] dated 21/06/2019)

W.P. (MD) No.3798 of 2015
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