

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.31640 OF 2018

O R D E R :

This writ petition is filed seeking a writ of mandamus to declare the action of the respondents in not appointing the petitioner as Visually Handicapped Grade-IV, backlog typist in the respondent's organisation by considering the disability of the petitioner to an extent of 40% V.H. disability, as arbitrary, illegal and unconstitutional.

Heard D.L.Pandu, learned counsel for the petitioner and the learned Government Pleader for Services-II.

It has been contended by the petitioner that he is a visually handicapped person suffering with 40% disability. The petitioner further contends that he is fully eligible and qualified to be appointed as Typist under Visually Handicapped quota. But the District Collector referred the case of the petitioner to the 5th respondent for medical examination to certify the exact disability that is being suffered by the petitioner vide proceedings dated 28.11.2017. The grievance of the petitioner is that though the District Collector i.e 3rd respondent has referred the case of the petitioner to the 5th respondent way back in November, 2017, the 5th respondent is not submitting the report of the petitioner to the 3rd respondent so far to enable the 3rd respondent to pass appropriate orders for appointing the petitioner as Typist under Visually Handicapped quota.

Learned counsel appearing for the petitioner submits that appropriate orders be passed directing the 5th respondent to submit the report to 3rd respondent and upon receiving the said report,

further direct the 3rd respondent to consider the case of the petitioner and pass appropriate orders in accordance with law.

This Court, having considered the rival submissions of both the parties, is of the considered view that this writ petition can be disposed of directing the 5th respondent to submit the report of the medical examination conducted by him to the 3rd respondent within two months from the date of receipt of copy of this order and upon such report being submitted, the 3rd respondent shall consider the said report and pass appropriate orders in accordance with law within a period of four weeks thereafter.

With the above observations, the writ petition is disposed of. There shall be no order as to costs.

Pending miscellaneous applications, if any, shall stand closed in consequence.

ABHINAND KUMAR SHAVILI,J

Date: 01.02.2019
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