

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2020

CORAM

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

WP.No.1213 of 2020

A.Thiruppathi

.. Petitioner

- Vs -

1. State of Tamil Nadu,
Rep. by Secretary,
Department for the Welfare of Differently abled persons,
Fort St. George,
Chennai - 600 009.
2. The Commissioner for the Welfare of the Differently Abled,
No.5, Kamarajar Salai,
Lady Wellington College Campus,
Chennai-600 005.
3. The District Collector,
Namakkal District,
Collectorate, Namakkal.
4. The District Differently Abled Welfare Officer,
Namakkal District,
Collectorate,
Namakkal.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the respondents to recruit and appoint the petitioner to the post of Assistant Receptionist at the Office of the fourth respondent.

For Petitioner : Mr.A.Mohamed Ismail
For Respondents : Mr.P.S.Sivashanmugasundaram
Special Government Pleader.

O R D E R

This writ petition has been filed for the issue of writ of Mandamus directing the respondents to recruit and appoint the petitioner to the post of Assistant Receptionist at the Office of the fourth respondent.

2. The case of the petitioner is that he is physically disabled and is totally blind. The third respondent called for applications to fill up the post of Assistant Receptionist, which was reserved for persons with total blindness. The petitioner was qualified and he submitted his application for the said post to the third respondent on 08.02.2019.

3. The grievance of the petitioner is that the entire selection process has been withheld without assigning any reason. Therefore, the petitioner has made several representations. Since the same was not considered, the present writ petition has been filed before this Court.

4. The first and second respondents have filed a counter in this case. The relevant portion in the counter is extracted hereunder:-

"It is most respectfully submitted that, in due course of the Interview Process, the 2nd respondent, i.e., the Commissioner for the Welfare of Differently Abled, Chennai-600 005 had instructed the District Differently Abled Welfare Office, Namakkal to not to proceed with the interview process for filling up the vacant post of Assistant Receptionist, since the post of Re-canner (now re-designated as Assistant Receptionist) was abolished on 31.01.2015 due to the retirement of Tmt.V.Radha, who was then working in the said post, since as per the G.O.(Ms).No.197, Social Welfare and Nutritious Noon Meal Programme Department, dated 14.11.2000, "the post expires at the time of relieving or retirement of the incumbent". Therefore, the District Differently abled Welfare Officer, Namakkal District had sent intimation letters regarding cancellation of the interview to all the applicants who were called for, via Register Post vide his Office letter No.501/2017, dated 26.06.2019.

7. It is most respectfully submitted that, the 2nd respondent i.e., the Commissioner for the Welfare of Differently Abled, Chennai-600 005 had also sent a proposal to Government vide this Office letter No.6678/AD.4/2016, dated 25.10.2019 for retaining the post of Re-canner (now re-designated as Assistant Receptionist) due to the necessity of that post in this Department, for receiving and assisting the Persons with Disabilities in all the District Differently Abled Welfare Office, and to grant permission for filling up the post of Assistant Receptionist. Therefore, it is humbly submitted to the Hon'ble Court that the recruitment for the post of

Assistant Receptionist may be resorted, after receiving necessary Orders from the Government and the date of interview will be notified as per existing Government Rules."

5. It is clear from the counter affidavit that the post of Assistant Receptionist was abolished in the year 2015 and therefore, a proposal has already been sent to the Government on 25.10.2019 for retaining this post, since there is a necessity for this post in the Department. The Orders of the Government is awaited by the second respondent and therefore, the selection process has been kept on hold.

6. The learned Special Government Pleader, on instructions, submitted that immediately after necessary orders are passed by the first respondent, the selection process will continue and the petitioner will also be considered at that point of time.

7. Recording the counter affidavit filed by the first and second respondents and the submissions made by the learned Special Government Pleader, this writ petition is disposed of with a direction to the first respondent to take a decision immediately in this regard and convey the same to the second respondent. No costs.

s/d-
Assistant Registrar (CS V)

True Copy

Sub-Assistant Registrar

KMI

To

1. The Secretary,
State of Tamil Nadu, सतयमेव जयते
Department for the Welfare of Differently abled persons,
Fort St. George,
Chennai - 600 009.
2. The Commissioner for the Welfare of the Differently Abled,
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3. The District Collector,
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Collectorate, Namakkal.

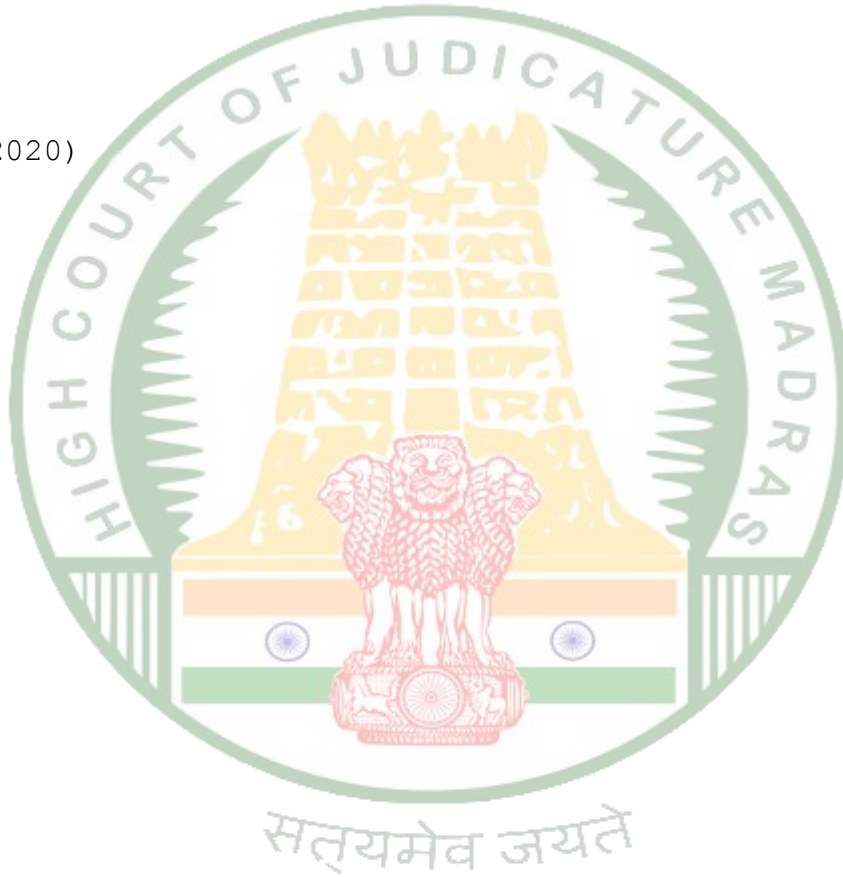
4. The District Differently Abled Welfare Officer,
Namakkal District,
Collectorate,
Namakkal.

+1 CC to Govt. Pleader sr 14247

+1 CC to Mr.A.Mohamed Ismail, Advocate sr 13424.

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SVI (CO)
SP(13/03/2020)



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