

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2020

CORAM

THE HONOURABLE Mr. JUSTICE P.VELMURUGAN

W.P.Nos.26214 & 26215 of 2006 and 23188 of 2007

and

W.P.M.P.Nos.1, 2, 2 & 3 of 2006 & 2 of 2007

S.Sudhamani

...Petitioner
in W.P.No.26214 of 2006

Murugappan

...Petitioner
in W.P.No.26215 of 2006

R.Babu

...Petitioner
in W.P.No.23188 of 2007

Versus

1.Life Insurance Corporation of India,
Rep.by its Chairman,
Central Office, 'Yogakeshema
Jeevan Bhima Marg',
P.B.No.19953,
Mumbai - 400 021.

2.Life Insurance Corporation of India,
Zonal Office - South Zone,
Rep.by its Zonal Manager,
Anna Salai, Chennai - 600 002.

3.The Chief Commissioner for Disabled,
Government of India,
No.6, Bhagwandas Road,
Sarojini House, New Delhi - 110 001.

4.The Special Commissioner for Handicapped
O/o.The State Commissioner for disabled,
No.15/1, Model School Road,
Thousand Lights, Chennai - 6.

... Respondents
in all W.Ps.

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus to call for the records of the respondents 1 and 2 pertaining to the prospectus inviting application for the post of Apprentice Development Officer in the employment notice dated 10-16 March 2007 and to quash the same for non implementation of the reservation for the person with disabilities and to direct the respondents to implement the persons with disabilities (Equal opportunities, Protection of Rights and Full Participation) Act, 1995.

For Petitioners : Mr.T.Senthil Kumar
in all W.Ps

For Respondents : M/s.Patty B.Jaganathan
for R1 (in all W.Ps)
Mr.S.Silambanan
Senior Counsel for
Ms.Kaavya for R2 (in all W.Ps)
Mr.K.Parameshwari for R3
(in all W.Ps)
No appearance for R4
(in all W.Ps)

C O M M O N O R D E R

The prayer sought for in these writ petitions is for a issuance of writ of certiorarified mandamus to quash the employment notification dated 10-16 March 2007 issued by the respondents 1 and 2, in and by which inviting application for the post of Apprentice Development Officer and consequently, to direct the respondents to implement the persons with disabilities (Equal opportunities, Protection of Rights and Full Participation) Act, 1995. सत्यमेव जयते

2. It is submitted by the learned Senior counsel appearing for the second respondent that the issue involved in this writ petition is squarely covered by the order passed by this Court in W.P.No.19912 of 2007 dated 17.07.2018, which reads as follows:

"...3. The learned counsel for the 2nd respondent would submit that the post called for Apprentice Development Officer. Since, the petitioner is a disabled person, he is not able to perform the employment. Moreover, the 3% reservation is not applicable to the 2nd respondent organization. As in view of the decision and the 3% reservation not applicable to the 2nd respondent. It was upheld by the decision

of the Court of Chief Commissioner for Persons with Disabilities by its order dated 24.12.2001 in para 5 held as follows:-

5. In view of the material available on record and taking due consideration of the fact that the appropriate Government in pursuance of Section 32 of Persons with Disabilities Act 1995 updated the list of identified posts vide 16-25/99-NI.I dated 31.05.2001 published in the Gazette of India dated 30.06.2001. As per this updated list of jobs, the post of Development Officer in the establishment of Respondent has not been found suitable for any category of persons with disabilities and further taking note of the fact that respondent at his own initiative has also not included the post under question in the list of identified posts. Therefore, the relief sought cannot be acceded to in accordance with the law.

4. Hence, I do not find any infirmity in the impugned order. Moreover the writ petition was filed in the year 2007 and no interim order was granted. Therefore, nothing survives for further adjudication.

5. Accordingly, writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed. "

3. In the light of the above submissions made by the learned Senior Counsel appearing for the second respondent, this Court is of the considered opinion that the order passed in the above writ petition is squarely applicable to the facts of the present case also. Hence, these writ petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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-s/d-

Assistant Registrar(CS)

True Copy

Sub-Assistant Registrar

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To

- 1.The Chairman,
Life Insurance Corporation of India,
Central Office, 'Yogakeshema
Jeevan Bhima Marg',
P.B.No.19953,
Mumbai - 400 021.
 - 2.The Zonal Manager,
Life Insurance Corporation of India,
Zonal Office - South Zone,
Anna Salai, Chennai - 600 002.
 - 3.The Chief Commissioner for Disabled,
Government of India,
No.6, Bhagwandas Road,
Sarojini House, New Delhi - 110 001.
 - 4.The Special Commissioner for Handicapped
O/o.The State Commissioner for disabled,
No.15/1, Model School Road,
Thousand Lights, Chennai - 6.
- +3 CC to Mr.kavya S.Silambanan, Advocate Sr.No.41024, 41023,
41022/2020
- +1 CC to Mr.T.Senthil Kumar Advocate Sr.No.41160

W.P.Nos.26214 and 26215 of 2006
and 23188 of 2007

सत्यमेव जयते

SSV(CO)
KP(19/01/2021)

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