



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 05.02.2020**

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.17809 of 2018

WEB COPY

S.R.R.Purushothaman

... Petitioner

vs.

1.The Chairman,
Teachers Recruitment Board,
DPI Complex,
College Road,
Chennai.

2.The Member Secretary,
Teachers Recruitment Board,
DPI Complex,
College Road,
Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus, to call for the records pertaining to the impugned proceedings of the second respondent bearing No.5112/A6/2012 dated 25.06.2015 and quash the same as illegal and consequently direct the respondents to appoint the petitioner in the backlog reserved vacancy under the category of hearing impaired in the selection process for Assistant Professor in the year 2012 in Tamilnadu on considering the petitioner's representation dated 02.07.2018.

For Petitioner : Mr.R.Shankar Ganesh

For Respondents : Mr.V.R.Shanmuganathan

Special Government Pleader

O R D E R

Under Section 34(2) of the Rights of Persons disabilities Act, 2016 (herein after referred to 'the Act'), where in any recruitment year a vacancy cannot be filled up due to non availability of a suitable person with disability, the vacancy would be carried forward to the succeeding recruitment year and if it is found that a suitable person with benchmark disability is not available in the succeeding recruitment year also, it may first be filled by interchange among the five categories of persons with benchmark disabilities referred to in Section 34(1) (a) to (e) of the Act.

2.In the instant case, the vacancy that arose in the year 2015 pursuant to the notification dated 28.05.2013 came to be filled up due to non availability of suitable persons with benchmark



disabilities and therefore, the petitioner's candidature was kept under backlog vacancy. In view of Section 34(2) of the Act, the petitioner's candidature would be entitled to be considered in the subsequent recruitment year.

3.It is now brought to the notice of this Court that the recruitment has now been notified in the year 2019 and the petitioner would be entitled to claim benefit under Section 34(2) of the Act, in case, a suitable person with benchmark disabilities, is not found to be available during this selection process to be conducted in the year 2019, by interchange among five categories of person with benchmark disabilities. As such, the present impugned order cannot be strictly found fault with. However, it is always open to the petitioner to participate in the subsequent selection process and claim the benefit under Section 34(2) of the Act. It is needless to point out that apart from the benefit that would accrue in favour of the petitioner under Section 34(2) of the Act, the petitioner is expected to qualify himself in all other aspects as per the conditions in the notification.

4.With the above observations, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cp

To:

1.The Chairman,
Teachers Recruitment Board,
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