

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.01.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.1163 of 2021

K.Sivagnanam

... Petitioner

Vs

The Deputy Director,
Health Services,
No.314, Ezhil Nagar,
Vengikkal,
Thiruvannamalai.

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the respondent to appoint the petitioner as a driver, on the basis of the interview conducted by the respondent on 15.11.2017.

For Petitioner : Mr.D.Rajagopal
For Respondent : Mrs.P.Rajalakshmi,
Additional Government Pleader

O R D E R

This writ petition has been filed, seeking a direction to the respondent to appoint the petitioner as a driver, on the basis of the interview conducted by the respondent on 15.11.2017.

2. Mrs.P.Rajalakshmi, learned Additional Government Pleader takes notice for respondent. By consent, this writ petition is taken up for hearing at the admission stage itself.

3. It is the case of the petitioner that he is an Ex-serviceman and that he applied for the post of Driver, pursuant to the advertisement published in the newspaper dated 28.06.2017. According to him, even though he possessed required license and attended the interview, he was not selected, as per the information given by the respondent under RTI. It is the

further case of the petitioner that when there are sufficient vacancies and that nearly 5 persons have attended the interview and the petitioner applied under an Ex-serviceman quota allotted to the Ex-serviceman and that the petitioner is coming under the MBC quota, the petitioner's candidature was not considered. Therefore, he prayed that he may be appointed as Driver in terms of the notifications and on the basis of the interview and upon perusal of the certificates produced by him, including registration in the employment exchange.

4. Learned Additional Government Pleader vehemently opposed this Writ Petition on the ground that though the petitioner is an Ex-serviceman and belonged to the MBC category, the maximum age limit prescribed for considering the candidature for MBC quota is 32 years and the petitioner is over age. She further stated that nearly because the petitioner has been called for interview, it does not mean that he should be appointed in the said post. Hence, the writ petition has to be dismissed.

5. In reply to the above, learned counsel for the petitioner submitted that the maximum age limit for the disabled person is 40 years and the case of the petitioner may be considered under that category, since he is an Ex-serviceman.

6. It is astonishing as to how the petitioner, who is admittedly an Ex-Serviceman, claims his right under the disabled (CdKw;w) quota in the absence of any certificate to prove that he is a disabled person, which term is otherwise referred to as differently - abled or physically-challenged (khw;Wj;jpwdhsp). These are euphemisms of the word 'disabled' and 'handicapped'. The intention of usage of the terms 'differently-abled' and 'physically-challenged' is to make these people feel empowered and to tackle the challenges of life. The term 'disabled' cannot be used to refer to a person, who does not fall within the ambit of 'disabled' on account of other reasons, such as overage, qualification, etc., like that of the petitioner herein.

7. The Government must clarify the above terms in clear tone, as, otherwise, the 'differently abled persons' may not get the privilege / benefit, announced by the Government then and there.

8. Admittedly, the petitioner is an Ex-serviceman and not a differently abled person. Merely because there is an outer age limit prescribed for the disabled person as 40 years, his case cannot be considered in that category. Hence, finding no merits in the submission of the petitioner, the Writ Petition is dismissed. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

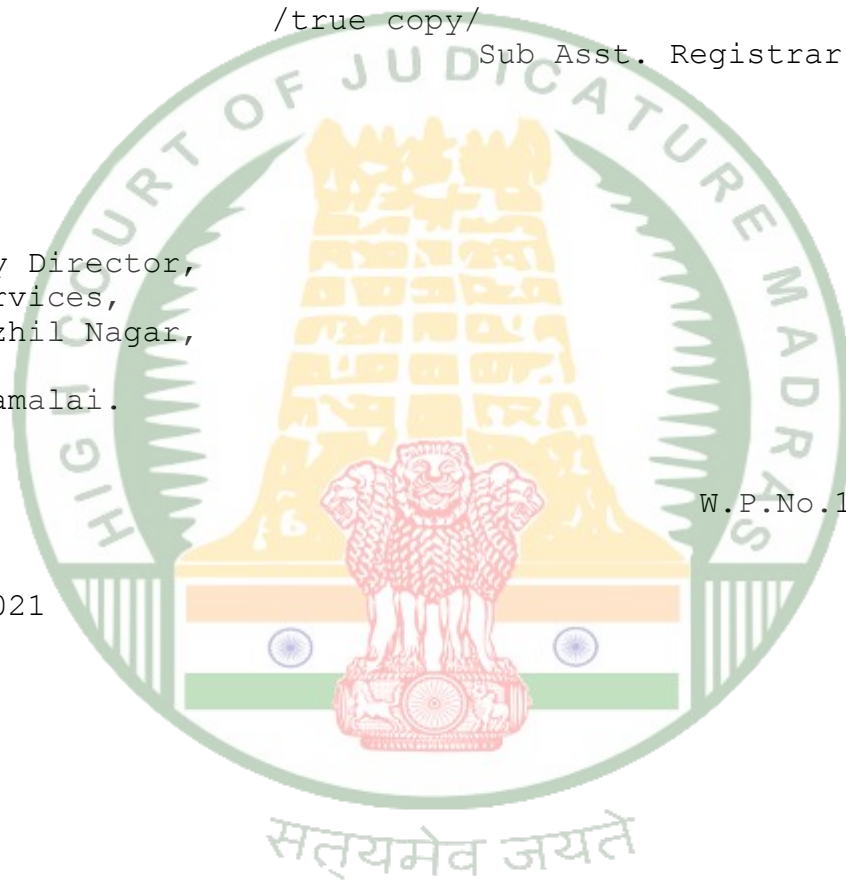
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To:

The Deputy Director,
Health Services,
No.314, Ezhil Nagar,
Vengikkal,
Thiruvannamalai.

W.P.No.1163 of 2021

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