

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 03.03.2021

CORAM:

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.No.2448 of 2012

1.G.Ambiga
2.S.Manimekalai
3.T.Sandhiya
4.Mariyam Nashrim Bhanu
5.J.Rajesh
6.S.Chandrasekhar,
7.D.Chithirai Selvam
8.D.Santhi

... Petitioners

Vs.

1.The Secretary to Government,
Department of Welfare of Differently
Abled and Social Reforms,
Fort St. Geroge, Chennai.

2.The State Commissioner,
Welfare of Differently Abled Persons,
Thousand Lights, Chennai.

3.The Secretary to Government,
Department of School Education,
Fort St. George, Chennai.

... Respondents

Prayer: Petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Mandamus directing the respondents herein to pass an order by appointing the petitioners herein as secondary grade teachers in the elementary schools run by the department of school education as similarly placed physically challenged persons who were undergone the diploma in teacher education during the year 2005-06 to 2008-09 at Government Teacher Training Institute for the Blind and Orthopaedically Handicapped, Poonamallee by virtue of Government Order dated 28.05.2010 in G.O.Ms.No.16, issued by Department of Welfare of Differently Abled, by disposing the petitioners representations dated 22.06.2011 and 04.07.2011.

For Petitioners

: Mr.W.M.Abdul Majeed
For Mr.G.Sumithra

For Respondents 1 & 2

: Mr.K.Magesh
Special Government Pleader

For 3rd Respondent : Mr.S.Suresh Kumar
Government Advocate

ORDER

The prayer sought for herein is for a writ of mandamus directing the respondents herein to pass an order by appointing the petitioners herein as Secondary Grade Teachers in the Elementary Schools run by the Department of School Education as similarly placed physically challenged persons who undergone the Diploma in Teacher Education during the year 2005-06 to 2008-09 at Government Teacher Training Institute for the Blind and Orthopaedically Handicapped, Poonamallee by virtue of Government Order dated 28.05.2010 in G.O.Ms.No.16, issued by Department of Welfare of Differently Abled, by disposing the petitioners representations dated 22.06.2011 and 04.07.2011.

2.All the petitioners herein had undergone the Diploma in Teacher Education Course, in the specialised course for Blind and Orthopaedically disabled run by the Government at Poonamallee. After having successfully completed the Diploma course, they have been given certificate to that effect and the same have been registered in the Employment Exchange also and whenever there is a recruitment for Secondary Grade Teacher, a specific reservation is available for differently abled persons. In this regard, it is a case of the petitioners that they are eligible to be considered for appointment to the post of Secondary Grade Teacher in view of the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, they are entitled to get the appointment. Despite the same and the vacancy which were available at the respondent Department, the petitioners were not considered for appointment and therefore, in this regard, the petitioners made a joint representation on 04.07.2011 to the Nodal Officer, who is the second respondent herein, who is the officer heading the Department for the Welfare of the Differently Abled Persons. The said representation so far has not been considered and no orders have been passed and no positive steps seems to have been taken to consider the petitioners representation for giving the appointment. Therefore, only in that circumstances, they have filed the present writ petition and by reiterating the aforesaid fact, the learned counsel appearing for the petitioner would submit that, the said request of the petitioners atleast may be directed to be considered on merits and in accordance with law within a time frame to be stipulated by this Court and once if it is considered and passed orders on merits and in accordance with law within a time frame that may be stipulated by this Court, the petitioners will be satisfied, he contended.

3.On the other hand, the learned Special Government Pleader

appearing for the respondents would submit that, since the recruitment they sought for is of the year 2007-2008, since long years have gone by, whether the said request made by the petitioners has been considered subsequently or not would be verified and if the same has not been so far considered and disposed of, certainly, the request made by the petitioners through the representation dated 04.07.2011 would be considered on merits and in accordance with law and orders to that effect would be passed by taking a decision thereon especially by the second respondent.

4. In view of the said submissions made by the learned counsel appearing for the parties and taking into account the innocuous nature of the prayer since has been sought for by the petitioners as projected by the learned counsel for the petitioners, this Court is inclined to dispose of this writ petition with the following orders.

(i) That the respondents, especially the second respondent is hereby directed to consider the representation of the petitioners jointly given on 04.07.2011 and take a decision and pass orders thereon, within a period of eight weeks from the date of receipt of a copy of this order.

(ii) Since the representation is of the year 2011, a copy of the same shall also be annexed by the petitioners along with the copy of this order and send the same immediately within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the needful, as indicated above, shall be undertaken by the second respondent.

5. Accordingly, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS III)

//True Copy//

Sub Assistant Registrar

Sgl
To

1. The Secretary to Government,
Department of Welfare of Differently
Abled and Social Reforms,
Fort St. George, Chennai.

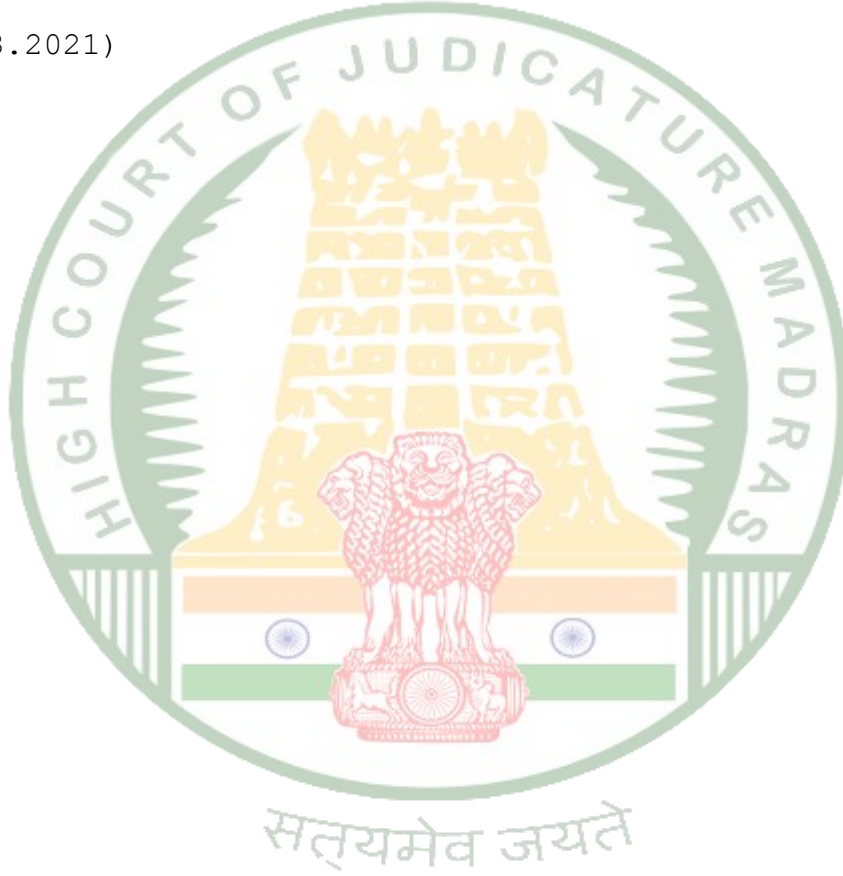
2.The State Commissioner,
Welfare of Differently Abled Persons,
Thousand Lights, Chennai.

3.The Secretary to Government,
Department of School Education,
Fort St. George, Chennai.

+1 cc to Government Pleader Sr.No. 14191
+1cc to M/s.G.Sumithra , Advocate SR.No. 13283

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SS CO
A.SK(30.03.2021)



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