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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.6977 of 2015

R.Kathiresan

... Petitioner

Vs

1. State of Tamilnadu,
Rep. by its Secretary,
Educational Department,
Fort St.George, Chennai - 9.
2. The Director,
Directorate of School Education,
D.P.I.Compound,
College Road,
Nungambakkam.
3. The Chief Educational Officer,
Vellore District, Vellore.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 12.01.2015.

For Petitioner : Mr.B.Kumarasamy

For R1 to R3 : Mr.C.Munusamy, Spl GP

ORDER

According to the petitioner, he is a physically challenged person and he was issued with a Disabled Certificate by the District Disabled Rehabilitation Officer, Vellore. He completed XII standard, but was unable to clear English subject, yet, he studied drawing course and passed the pre- hand outline and model drawing examination and registered his name with the Employment Office, Vellore. While so, the third respondent by a memo in Na.Ka.No.2691/A1/2011 dated 12/2011, sent a call letter for the interview to the post of Drawing/Physical Education/Tailoring/ Music/ Computer/ Agriculture Part Time Technical Teachers on consolidated pay. Pursuant to the same, the petitioner attended the interview on 10.01.2012 for the post of



Drawing Master. Though in the selection list, the name of the petitioner finds place at serial No.108, he was not given any appointment. Hence, he made a representation on 12.01.2015 to the respondents to give him appointment. Finding no response on the same, the petitioner has filed this writ petition seeking appropriate direction to the respondents.

2.Upon notice, the respondents filed a detailed counter affidavit, wherein, it is inter alia stated that all the part time Instructor appointments were made as per the guidelines laid down in G.O.Ms.No.177, School Education (C2) Department dated 11.11.2011; the selected list of candidates is not a final one, but is purely a tentative and subjected for modification; preference was given to a better candidate with higher qualification and belonging to local area; and hence, there is no violation of the rules, as alleged by the petitioner.

3.The learned counsel for the petitioner has opposed the averments so made in the counter affidavit filed by the respondents. According to him, the third respondent did not follow the mandatory provisions of the Persons with Disability (Equal Opportunities, Protection of Life and Full Participation) Act. Hence, the learned counsel prayed that the respondents may be directed to consider the representation of the petitioner, on merits, within a time frame to be stipulated by this Court.

4.The learned Special Government Pleader appearing for the respondents has no serious objection for granting such relief to the petitioner.

5.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the respondents to consider the petitioner's representation dated 12.01.2015, if not already considered, and pass appropriate orders, on merits and in accordance with law, within a period of six (6) weeks from the date of receipt of a copy of this order.

6.This Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mtl



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+1CC to Mr.B.Kumarasamy, Advocate, Sr.No.14389

UM (CO)
K.RK. (20.07.2021)