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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.18252 of 2021

and

W.M.P.No.19490 of 2021

(Through Video Conferencing)

Mr.Sridhar

... Petitioner

Vs

1. The Government of India,
Ministry of Personnel,
Public Grievances & Pensions,
Sastri Bhavan, New Delhi.
 2. The Government of Tamil Nadu,
Represented by its Chief Secretary,
Fort St.George, Chennai - 600 009.
 3. The Commissioner for Welfare of the Differently Abled,
No.5, Kamarajar Salai,
Lady Wellington College Campus,
Chennai - 600 005.
 4. The Hindu Religious and Charitable Endowments Department,
19, Uthamar Gandhi Road,
Represented by its Assistant Commissioner,
Thousand Lights West,
Nungambakkam, Chennai - 600 034.
 5. M/s.Arulmigu Angalamman Thirukovil,
Melmalaiyanoor Taluk,
Vilupuram District - 604 204.
- ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the fourth and fifth respondents to accept and consider the petitioner's application for the said post called for in notice bearing Se.Na.No.547 of 2021 dated 30.07.2021 vide ITMS Code:TM020342 issued by the fifth respondent.



For Petitioner : M/s.Nathan and Associates

For R1 to R4 : Mr.V.P.R.Elamparithi
Government Advocate

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ORDER

The case of the petitioner is that the petitioner is working with the fourth respondent on contractual basis for more than five years. It is submitted that the impugned notification calling for appointment fixed maximum age as 35 years.

2. It is the case of the petitioner that the petitioner is loosing out as he has cross the age of 35 years. It is further case of the petitioner that the petitioner is a person suffering from disability and therefore the respondents are duty bound to release the age for persons with disability under the provisions of the Persons with Disabilities Act, 1955 and in terms of the Government Order in G.O.Ms.No.704, Public (Services-A) Department dated 15.04.1964 issued by the Government of Tamil Nadu.

3. It is further case of the petitioner that the last date for submitting application expires on 31.08.2021. Though the petitioner has stated that the petitioner is entitled for protection in terms of the above Government Order and under the provisions of the aforesaid Act.

4. The petitioner has not filed any document to substantiate that the petitioner is entitled to protection under the aforesaid Government Order and the aforesaid Act. Be that as it may, considering the fact that 31.08.2021 is the last date for filing application in terms of impugned notice dated 30.07.2021 published in the news paper on 01.08.2021, the respondents are directed to permit the petitioner to apply for the post called for in the aforesaid notification.

5. The petitioner is directed to furnish the documents to substantiate that he suffers from disability and is covered by protection granted under the provisions of the Persons with Disabilities Act, 1955.

6. The respondents shall consider the application of the petitioner and pass appropriate orders and if the petitioner is otherwise found eligible be appointed to the post.



7. This Writ Petition stands disposed of with the above observations. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

arb

To

1. The Government of India,
Ministry of Personnel,
Public Grievances & Pensions,
Sastri Bhavan, New Delhi.
2. The Chief Secretary,
Government of Tamil Nadu,
Fort St.George, Chennai - 600 009.
3. The Commissioner for Welfare of the Differently Abled,
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4. The Hindu Religious and Charitable Endowments Department,
19, Uthamar Gandhi Road,
Represented by its Assistant Commissioner,
Thousand Lights West,
Nungambakkam, Chennai - 600 034.

+1cc to M/s.Nathan and Associates, Advocate, S.R.No.43991
+1cc to the Government Pleader, S.R.No.44275

W.P.No.18252 of 2021
and W.M.P.No.19490 of 2021

NRL (CO)
CT(22/09/2021)