



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE P.D.AUDIKESEVALU

W.P.NO.28474 OF 2019

College Students and Graduates
Association of the Blind (CSGAB),
Rep. by its General Secretary
A.Manikannan,
Thakkar Baba Vidhyalaya,
Venkatanarayana Road,
T.Nagar, Chennai - 600 017.

... Petitioner

.Vs.

1. The Union of India,
Rep. by its Secretary to Government,
Ministry of Social Justice and Empowerment,
Department of Disability Affairs,
CGO Complex, New Delhi - 110 003.
2. The State Commissioner for the
Differently-abled,
Kamarajar Salai
Chennai - 600 005.
3. The Chairperson,
Teachers Recruitment Board,
College Road,
Chennai - 600 006.

... Respondents

PRAYER:-

Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 3rd respondent to implement the guidelines contained in the Office Memorandum dated 26.02.2013 issued by the 1st respondent and the Advise Letter dated 20.09.2019 issued by the 2nd respondent to the 3rd respondent in respect of appointment of qualified scribes to the visually challenged candidates for the examination scheduled to be conducted by the 3rd respondent from 27.09.2019 to 29.09.2019.



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For the Petitioner : Mr.R.Prabhakaran

For the Respondents : Mr.A.K.Manoj Kumar,
For 1st respondent

Mr.P.Muthukumar,
State Government Pleader,
For 2nd respondent

Mr.R.Neelakandan,
Additional Advocate-General,
For 3rd respondent

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The grievance in the petition is that appropriate steps have not been taken by the State and its different bodies to enable differently-abled persons to meaningfully participate in the process of recruitment of teachers.

2. G.O.(Ms.) No.08 has been notified on September 21, 2021. Guidelines have been issued thereunder intituled as "Tamil Nadu Guidelines for conducting examinations for persons with Disabilities, 2021". The guidelines apply to all examinations conducted within the purview of the State of Tamil Nadu for academic, recruitment and other purposes that require the assistance of a scribe or reader or laboratory assistant for persons with disabilities. The guidelines indicate that the facility of a scribe or reader or laboratory assistant would be allowed to any person with disability as defined in Section 2(s) of the Rights of Persons with Disabilities Act, 2016 on the recommendation of a competent Government Medical Board regarding a physical limitation in writing, including that of speed.

3. Though the petitioner says that the guidelines have, at least, afforded an opportunity to differently-abled persons to meaningfully participate in academic and recruitment processes, grievances are raised in the requirement to obtain a certificate or recommendation in terms of Appendix-I to the said guidelines. Certain other provisions are also sought to be questioned.

4. The guidelines remained outstanding for a long time and have now been put in place. There is no doubt that there may be some teething problems and experience over time may prompt the State to modify the guidelines or alter them so that there can be smooth functioning.



5. If the petitioner has any specific grievance as to the guidelines, the petitioner may carry the grievance to the appropriate authorities and if any reasonable grievance is not addressed, it will be open to the petitioner to pursue such remedies that may be available to the petitioner.

6. It is submitted on behalf of the third respondent that the guidelines would also be uploaded on the official website of the third respondent.

7. W.P.No.28474 of 2019 is disposed of, since the guidelines have been put in place and persons aspiring to be recruited as teachers in the State may now take the assistance of a scribe or reader or laboratory assistant in the recruitment process.

8. There will be no order as to costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Union of India,
Rep. by its Secretary to Government,
Ministry of Social Justice and Empowerment,
Department of Disability Affairs,
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W.P.NO.28474 OF 2019

SRA(CO)
PBS/27/09/2021