



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.10.2021

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WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

W.P(MD)No.18526 of 2021

S. Chidambaram

... Petitioner

Vs.

1. The Secretary,
Public (Law officers) Department,
St.George Fort,
Chennai.

2. The District Collector,
Tirunelveli District,
Tirunelveli.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ Mandamus to direct the second respondent to follow Section 34 Rights of Persons with Disability Act, 2016 in the appointment of Law officers for Tirunelveli District Court, Tirunelveli and the petitioner to be appointed as Special Public Prosecutor for Land Grabbing Court, Tirunelveli as per the above mentioned Act and as per his representation to the second respondent on 19.08.2021.

For Petitioner : Mr.R.Ramasamy
For Respondents : Mr.A.Baskaran
Government Advocate.

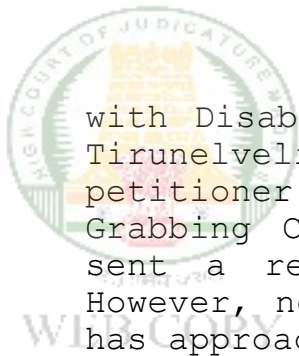
ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, to direct the second respondent to follow Section 34 of Right of Persons with Disabilities Act, 2016 in the matter of appointment of Law Officers for Tirunelveli District Court, Tirunelveli and the petitioner is to be appointed as Special Public Prosecutor for Land Grabbing Court, Tirunelveli as per the above mentioned Act and based on his representation to the second respondent on 19.08.2021.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3. The petitioner approached this Court seeking a Mandamus to the second respondent to follow Section 34 of Right of Persons

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with Disabilities Act, 2016 in the appointment of Law officers for Tirunelveli District Court, Tirunelveli, more particularly, the petitioner to be appointed as Special Public Prosecutor for Land Grabbing Court, Tirunelveli. In this regard, the petitioner has sent a representation to the third respondent on 19.08.2021. However, no orders were passed till date. Therefore, the petitioner has approached this Court by way of the present Writ Petition.

4. Heard, the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials available on record.

5. As per the submissions made by the learned counsel for the petitioner, the petitioner is a practicing Advocate in the Tirunelveli Bar Association for the past 20 years. He is a physically challenged person with 50% disability. Besides this, he is having good practice without having any remarks. He is a notary public and he was appointed as also official receiver and training mediator. Based upon all these qualifications, he applied for appointment as one of the law officers. However, he contends that in respect of any Government appointment, as per Section 34 of Right of Persons with Disabilities Act, 2016 r/w. 24(3) of Cr.PC., the prescribed reservation is to be followed. Therefore, he submits that for the said Government post, the physically challenged persons are entitled to 4% reservation and as such, the petitioner is entitled to such reservation and he is entitled to be appointed as Legal Officer.

6. Considering the aforesaid submissions of the learned counsel on either side, and also the considering the limited scope of prayer as sought by the petitioner, this Court, without expressing any opinion on merits, directs the second respondent to consider the petitioner's representation dated 19.08.2021 on merits and in accordance with law, within a period of 8 weeks from the date of receipt of a copy of this order. However, it is made clear there is no positive direction given in favour of the petitioner by this Court.

7. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Vacation Officer ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The Secretary,
Public (Law officers) Department,
St. George Fort,
Chennai.

2. The District Collector,
Tirunelveli District,
Tirunelveli.

+1 CC to M/s.SPL.GP (SR-32002[F] dated 12/10/2021)

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SMV(CO)
KB(12.10.2021) 3P 4C