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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 16.11.2021
CORAM
THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**
W.P.(MD)No.12794 of 2014

K.Muniappan ... Petitioner

vs..

1.The District Collector,
Thirunelveli District, Thirunelveli.

2.The Chief Educational Officer Cum
District Project Co-ordinator,
Sarva Sikhshya Abiyan,
(Education to All Movement),
Thirunelveli District, Thirunelveli.

3.The Supervisor,
Block Resource Centre,
Sarva Sikhshya Abiyan,
Thirunelveli Town.

4.Maheswari ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent to appoint the petitioner as a Special Teacher in the Block Resource Centre at Thirunelveli Town by terminating the services of the fourth respondent.

For Petitioner : Mr.J.Barathan

For R-1 to R-3 : M/s.D.Farjana Ghoushia
Special Government Pleader

O R D E R

This Writ Petition is filed for issuance of a Writ of Mandamus, to direct the first respondent to appoint the petitioner as a Special Teacher in the Block Resource Centre at Thirunelveli Town by terminating the services of the fourth respondent.

2.It is the claim of the petitioner that the petitioner has completed a degree of Bachelor of Education in Special Education, in the year 2013 and has also registered before the Rehabilitation Council of India in 2013. In spite of his qualifications, the first

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respondent, i.e., the District Collector has not chosen the petitioner to appoint him as a Special Teacher in the Rehabilitation Centre at Tirunelveli.

3.The petitioner alleged that the fourth respondent is appointed in the said place and the fourth respondent is not having any qualification to be appointed in the post of Special Teacher. The second respondent has filed a counter affidavit. It has been specifically stated that such appointments are carried out and there is no specific guidelines, rules and regulations. The second respondent has also stated that the fourth respondent is having qualification to teach special children.

4.In spite of notice, the fourth respondent has not appeared. When the case was listed earlier, it was directed to produce the records stating the qualification of the fourth respondent. The learned Special Government Pleader has produced the records.

5.The fourth respondent has qualified XII standard and one year Diploma in Early Childhood Special Education(Mental Retardation). But, on perusal of the records, it is seen that the fourth respondent has done the course in Open University.

6.It is a settled proposition that any distance education done in Open University cannot be taken into account to appoint a person in a Government/Government Aided Institutions. Therefore, the appointment of the fourth respondent is not in accordance with law.

7.However, this Writ Petition was filed in the year 2014 and the said Maheswari was appointed as early as 2013 and she is in service for the past eight years. At this point of time, this Court is not inclined to disturb the appointment of the said Maheswari. To meet the ends of justice, the following direction would be sufficient. The first and second respondents are directed to consider the petitioner for appointment in any Rehabilitation Centre, whenever vacancy arises.

8.Accordingly, the Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tmg/jbr

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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.

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To

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+1 CC to M/s.SPL GP (SR-34734[F] dated 17/11/2021)

+1 CC to M/s.T.R. JEYAPALAM, Advocate (SR-34704[F] dated 17/11/2021)

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RD(30.11.2021) 3P 6C

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