



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.03.2021

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P. (MD)No.22986 of 2017

WEB COPY

Antony John Rose

.. Petitioner

Vs

1.The Secretary to Government of Tamilnadu,
Department of School and Higher Education,
Secretariat, Chennai-9.

2.The Director,
Department of School Education and Higher Education,
College Road,
Chennai.

3.The Chief Educational Officer,
Office of the Chief Educational Officer,
Kanyakumari District, Nagercoil.

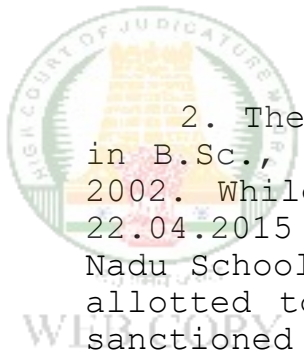
.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the third respondent to consider the representation of the petitioner dated 12.06.2017 and appoint the petitioner in the Post of Lab Assistant called vide Notification of the second respondent dated 22.04.2013 under the physically handicap quota [PWD (Ortho)] with all attendant benefits within the time frame.

For Petitioner	: Mr.V.Angusamy
For Respondents	: Mr.C.M.Marichelliah Prabhu Additional Government Pleader

O R D E R

This writ petition has been filed for issuance of Writ of Mandamus, to direct the third respondent to consider the representation of the petitioner dated 12.06.2017 and appoint the petitioner in the Post of Lab Assistant vide Notification of the second respondent dated 22.04.2013 under the physically handicap quota [PWD (Ortho)] with all attendant benefits within the time frame.



2. The case of the petitioner is that the petitioner graduated in B.Sc., Zoology in Manonmaniam Sundaranar University in the year 2002. While so, the second respondent issued a notification dated 22.04.2015 for recruitment to the post of Lab Assistant in Tamil Nadu Schools. As per the notification 3% of the total seats would be allotted to physically handicapped candidates. The total number of sanctioned posts in Kanyakumari District is 94 and therefore, 3 seats were fixed for physically handicapped candidates. The third respondent issued appointed orders in the year 2017 to 91 candidates. However, the said three seats were split up and the petitioner was not appointed. Hence the petitioner made a representation to the third respondent on 12.06.2017 and the same was received on 13.006.2017. But, so far the said representation was not considered. Hence, this writ petition.

3. Learned counsel for the petitioner would submit that pending writ petition, the respondent filed counter in which they specifically stated that out of 3 posts, one post was filled up and the name of the appointed candidate is V.Anitha Kumari, who secured 114 marks and the petitioner scored 110 marks, however, two posts are kept vacant. Hence, the petitioner may be considered for the said post. He would further submit that it would suffice, if the representation of the petitioner dated 12.06.2017 is disposed of by the respondent at the earliest.

4. Learned Additional Government Pleader appearing for the respondents has no serious objection to consider the petitioner's representation, in accordance with law.

5. In view of the limited scope of the prayer sought for by the petitioner, this Court, without expressing any opinion on the merits of the matter, directs the respondents to consider the representation dated 12.06.2017 submitted by the petitioner and to pass appropriate orders thereon on merits and in accordance with law within a period of twelve(12) weeks from the date of receipt of a copy of this order, if there is no legal impediments to do so.

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

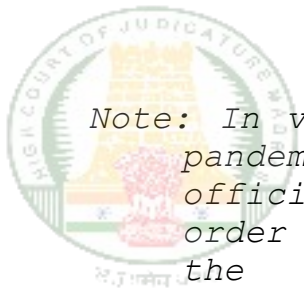
Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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.

WEB COPY

To

1.The Secretary to Government of Tamilnadu,
Department of School and Higher Education,
Secretariat, Chennai-9.

2.The Director,
Department of School Education and Higher Education,
College Road,
Chennai.

3.The Chief Educational Officer,
Office of the Chief Educational Officer,
Kanyakumari District, Nagercoil.

+1 CC to M/s.V.ANGUSAMY, Advocate (SR-9229[F] dated 05/03/2021)

+1 CC to M/s.SPL GP (SR-9498[F] dated 08/03/2021)

W.P. (MD) .No.22986 of 2017
05.03.2021

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