



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.12315 of 2014

and

M.P.No.2 of 2014

Miss.S.Mani Menaka

Vs.

...Petitioner

1. Secretary to Government,
Higher Education Department,
Fort St.George,
Chennai.
2. Secretary to Government,
Social Welfare and Nutrition,
Noonmeal Programme Department,
Fort St.George, Chennai.
3. Teacher's Recruitment Board,
Rep.by its Chairman,
4th Floor, EVK Sampath,
Maligai, College Road,
Chennai - 600 006.
4. The Director of Collegiate Education,
E.V.K.Sampath Maligai,
D.P.I.Compound,
College Road, Chennai - 6.

...Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorari, to call for the records pertaining to advertisement No.4/13 dated 28.5.2013 issued by the 3rd respondent as far as annexure-1 is concerned which has no reservation for physically challenged (ortho) students to the post of Asst.Professors in physics subject and quash the same as illegal and arbitrary and also in violation of G.O.Ms.No.53 dated 11.4.2005 issued by 2nd respondent.



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For Petitioner
For Respondent
[For R1, R2 & R4]

: Mr. Adinarayana Rao
: M/s. S. Anitha
Special Government Pleader

[For R3]

: Mr. C. Kathiravan
Special Government Pleader

ORDER

The advertisement dated 28.05.2013 issued by the third respondent for selection to the post of Assistant Professor without providing Reservation for Differently Abled persons is under challenge in the present writ petition.

2. The learned counsel for the petitioner mainly contended that a Reservation has been provided to the Differently Abled persons as per the policy of the Government and without providing such Reservation, the advertisement was made for selection and appointment to the Post of Assistant Professor.

3. The fact remains that the notification impugned was issued in the year 2013 and pursuant to the notification, the process of selection was continued and concluded long back. Thus, the challenge made in respect of the advertisement lost its relevance and if at all, the selection is vitiated on account of any illegality or otherwise, the entire selection and appointment is to be challenged by the writ petitioner, which is not done in the present writ petition.

4. On account of efflux of time, the relief sought for to quash the advertisement cannot be considered in the writ petition and therefore, the petitioner is at liberty to raise the ground, if any relating to the illegal appointments or otherwise in the manner known to law.

5. With this liberty, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Higher Education Department,
Fort St.George, Chennai.
2. The Secretary to Government,
Social Welfare and Nutrition,
Noonmeal Programme Department,
Fort St.George, Chennai.
3. The Chairman,
Teacher's Recruitment Board,
4th Floor, EVK Sampath,
Maligai, College Road,
Chennai - 600 006.
4. The Director of Collegiate Education,
E.V.K.Sampath Maligai,
D.P.I.Compound,
College Road, Chennai - 6.

+1cc to the Government Pleader, S.R.No.34847

W.P.No.12315 of 2014

GJ[co]
NSK/24/06/2022