



WEB COPY



W.P. No.27157 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. No.27157 of 2022

and

WMP No.26374 of 2022

R. Senthilkumar

...Petitioner

VS.

1. The Secretary to Government,
Welfare of Differently Abled Persons Department,
State of Tamil Nadu,
Secretariat,
Fort. St. George,
Chennai – 600 009.

2. The State Commissioner of Disabled,
State of Tamil Nadu,
Kamarajar Salai,
Chennai – 600 005.

3. The Teachers Recruitment Board,
Rep. by its Chairman,
4th floor,
EVR Sampath Malaigai,
DPI Compound,
College Road,
Chennai – 600 006.

... Respondents



W.P. No.27157 of 2022

Prayer : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 27.09.2022, 28.09.2022 and 03.10.2022 appoint the petitioner for Post Graduate Assistant in Mathematics Subject (Differently Abled Persons Category – Backlog vacancies) by way of interchange among the SC CATEGORIES – I, II, III, IV as per section 36 of the Persons with Disabilities (Equal Opportunities), Protection of Rights and Full Participation) Act, 1995 and G.O. Ms. No.13, dated 12.10.2020 (Welfare of Differently Abled Persons (DAP 3.2) Department.

For petitioner : Mr.K.T.S.Sivakumar
For respondents : Mr.R.Neelakandan,
Additional Advocate General,
Assisted by
Mr.C. Kathiravan,
Spl. Govt. Pleader for R3
Mrs.S. Anitha,
Spl. Govt. Pleader for R1 & R2

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to consider the petitioner's representations dated 27.09.2022, 28.09.2022, 03.10.2022 to appoint him in the post of Post Graduate Assistant in Mathematics subject (Differently Abled Persons Category – Backlog vacancies) by way of Interchange among the



W.P. No.27157 of 2022

SC categories – I, II, III, IV as per section 36 of the Persons with Disabilities (Equal Opportunities), Protection of Rights and Full Participation) Act, 1995 and G.O. Ms. No.13, dated 12.10.2020 (Welfare of Differently Abled Persons (DAP 3.2) Department.

2. The petitioner is a differently abled person. The petitioner seeks to get himself appointed as Post Graduate Assistant (Differently Abled Persons Category – Backlog vacancies) by way of interchange among the S.C. Categories – I, II, III, IV as per Section 36 of the Persons with Disabilities (Equal Opportunities), Protection of Rights and Full Participation) Act, 1995 and G.O. Ms. No.13, dated 12.10.2020 (Welfare of Differently Abled Persons (DAP 3.2) Department. Earlier, his name did not find a place in the provisional selection list. He has given representations on 27.09.2022, 28.09.2022, 03.10.2022 for the aforementioned purpose. Since his representations have not been considered till date, he has filed this writ petition.

3. In identical cases, this Court had earlier directed the respondents to consider the representation of those petitioners on merits and in accordance with law in the light of Section 36 of the Persons with



W.P. No.27157 of 2022

Disabilities (Equal Opportunities), Protection of Rights and Full Participation) Act, 1995 and G.O. Ms. No.13, dated 12.10.2020 (Welfare of Differently Abled Persons (DAP 3.2) Department.

4. No prejudice would be caused to the respondents, if the petitioner's representation is also considered by the respondents on merits and in accordance with law, within a time frame to be fixed by this Court.

5. Since the earlier representations have been given only to the 3rd respondent, the petitioner will have to give a fresh representation to the 1st respondent, who is the deciding authority.

6. The learned counsel for the petitioner on instructions would submit that the petitioner is willing to give a fresh representation to the 1st respondent.

7. For the foregoing reasons, this Courts directs the petitioner to submit a fresh representation to the 1st respondent seeking for appointment of Post Graduate Assistant in Mathematics Subject (Differently Abled Persons Category – Backlog vacancies) by way of



W.P. No.27157 of 2022

interchange among the S.C. Categories – I, II, III, IV as per Section 36 of the Persons with Disabilities (Equal Opportunities), Protection of Rights and Full Participation) Act, 1995 and G.O. Ms. No.13, dated 12.10.2020 (Welfare of Differently Abled Persons (DAP 3.2) Department, within a period of one week from the date of receipt of a copy of this order. On receipt of the said representation, the 1st respondent shall pass final orders on the petitioner's representations, dated 27.09.2022, 28.09.2022, 03.10.2022 on merits and in accordance with law after giving due consideration to the contentions of the petitioner, within a period of twelve weeks, thereafter.

8. With the aforesaid directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

12.10.2022

Note : Issue order copy on 13.10.2022

Index: Yes/No

Internet: Yes/No

Speaking Order/Non-Speaking Order

vsi2



WEB COPY



W.P. No.27157 of 2022

ABDUL QUDDHOSE, J.

vsi2

To :

1. The Secretary to Government,
Welfare of Differently Abled Persons Department,
State of Tamil Nadu,
Secretariat,
Fort. St. George,
Chennai – 600 009.

2. The State Commissioner of Disabled,
State of Tamil Nadu,
Kamarajar Salai,
Chennai – 600 005.

3. The Chairman,
The Teachers Recruitment Board,
4th floor,
EVR Sampath Malaigai,
DPI Compound,
College Road,
Chennai – 600 006.

W.P. No.27157 of 2022

12.10.2022