



WEB COPY



W.P. No.27251 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.27251 of 2022

and

WMP No.26447 of 2022

S. Elumalai

...Petitioner

VS.

1. Government of Tamil Nadu rep. by
Principal Secretary to Government,
School Education Dept.,
Secretariat,
Chennai – 600 009.

2. The Director of School Education,
Chennai – 6.

3. Teachers Recruitment Board,
Rep. by its Member Secretary,
College Road,
Chennai – 600 006.

4. The Commissioner for Differently Abled Persons
Department,
Chennai – 5.

... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the third respondent to consider the petitioner representation dated 21.09.2022 on merits and in



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accordance with law with regard to his selection and appointment as P.G. Assistant (Commerce) in the direct recruitment for appointment of P.G. Assistants for the year 2020-2021 (Regn. No.TRBPG 964369 Roll No.21 PG 1237074204).

For petitioner : Mr.G. Punniakoti
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 R4
Mr.S. Yashwanth,
Spl. Govt. Pleader for R1 and 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 21.09.2022 to appoint him in the post of Post Graduate Assistant in Commerce subject (Differently Abled Persons Category – Backlog vacancies) by way of Interchange among the MBC categories 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.



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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 M.B.C. Categories 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 representation on 21.09.2022 for the aforementioned purpose. Since his representation has 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 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 considered by the respondents on merits and in accordance with law, within a time frame to be fixed by this Court.



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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 Commerce Subject (Differently Abled Persons Category – Backlog vacancies) by way of interchange among the M.B.C. Categories 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 representation, dated 21.09.2022 on merits and in accordance with law after giving due consideration to the contentions of the petitioner, within a period of twelve weeks, thereafter.



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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

To :

1. Government of Tamil Nadu rep. by
Principal Secretary to Government,
School Education Dept.,
Secretariat,
Chennai – 600 009.

2. The Director of School Education,
Chennai – 6.

3. The Member Secretary,
Teachers Recruitment Board,
College Road,
Chennai – 600 006.

4. The Commissioner for Differently Abled Persons
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ABDUL QUDDHOSE, J.

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