



W.P. No.33078 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 13.12.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.33078 of 2022

K.Saravanan

... Petitioner

vs.

1.The Secretary to Government of Tamil Nadu,
Personnel and Administrative
Reforms Department,
Fort St. George,
Chennai – 600 009.

2.The Secretary to Government of Tamil Nadu,
Differently Abled Person Welfare Department,
Fort St. George,
Chennai – 600 009.

3.The Commissioner,
State Commissionerate for Welfare of the
Differently Abled Person,
No.5, Kamarajar Salai,
Lady Wellington College Campus,
Chennai – 600 005.

4.The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road (now TNPSC Road),
VOC Nagar, Park Town,
Chennai – 600 003.

... Respondents



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Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing respondents 1 to 3 to take necessary action to include Physically Handicapped turn in the persons studied in Tamil Medium (PSTM) Category so as to incorporate the same in G.O. Ms. No.40, Personnel and Administrative Reforms (S) Department dated 30.04.2014 thereby enabling the petitioner to sit for the main examination to the posts included in Combined Civil Services Examination-II (Interview Posts/ Non Interview Posts) (Group-II/II-A Services) to be held during February 2023 by the fourth respondent, in light of petitioner's representation dated 05.12.2022 to the second respondent.

For petitioner : Mr.Syed Mustafa for
Mr.N.Balamuralikrishnan

For respondents : Mr.D.Ravichander
Special Government Pleader
for R1 to R3

Ms.G.Hema for R4 TNPSC

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to respondents 1 to 3 to take necessary action to include Physically Handicapped Quota in the Persons Studied in Tamil Medium (PSTM) Category, so as to incorporate the same in G.O. Ms. No.40, Personnel and Administrative Reforms (S) Department dated 30.04.2014,



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thereby enabling the petitioner to sit for the main examination to the posts included in Combined Civil Services Examination-II (Interview Posts/Non Interview Posts) (Group-II/II-A Services) to be held during February 2023 by the fourth respondent, in the light of the petitioner's representation dated 05.12.2022.

2.The grievance of the petitioner in this writ petition is that even though he is a Physically Handicapped person and entitled for a reservation quota under the said category, inadvertently in the recruitment notification for the post of Group-II/II-A Services to be held during February 2023 by the fourth respondent, there is no reservation quota for physically handicapped persons. According to the petitioner, physically handicapped persons must be given reservation quota. In such circumstances, the petitioner has given a representation on 05.12.2022 to the second respondent requesting the second respondent to include reservation for physically handicapped persons in the (PSTM) Category for the Group-II/II-A Services. Since the representation has not been considered till date, the petitioner has filed this writ petition.



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3.Heard Mr.Syed Mustafa, learned counsel for the petitioner and Mr.D.Ravichander, learned Special Government Pleader, who accept notice on behalf of respondents 1 to 3 and Ms.G.Hema, learned Standing Counsel, who accepts notice on behalf of the fourth respondent.

4.The petitioner has filed documents along with this writ petition to substantiate his case that reservation ought to have been provided under any recruitment notification for the post of Group-II/II-A Services for the physically handicapped persons. The petitioner is also a physically handicapped person. His grievance is that under the recruitment notification by inadvertence, physically handicapped persons have not been given any reservation quota.

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

6.For the foregoing reasons, this Court directs the second respondent to pass final orders, on merits and in accordance with law on the petitioner's representation dated 05.12.2022 seeking for reservation



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of posts for physically handicapped persons in PSTM Category and incorporate the same in G.O. Ms. No.40, Personnel and Administrative Reforms (S) Department dated 30.04.2014, within a period of six weeks from the date of receipt of a copy of this order.

7. With the aforesaid direction, the writ petition stands disposed of.

No costs.

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Index: Yes/No
vga



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ABDUL QUDDHOSE, J.

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