



W.P.(MD)No.3897 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.04.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.3897 of 2019

C.Mariappan

... Petitioner

Vs.

1.The Chief Educational Officer,
Office of the Chief Educational Officer,
Pudhukottai District, Pudhukottai.

2.The Head Master,
The Government High School,
Thirunallur South,
Pudhukottai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of *Writ of Mandamus*, forbearing the respondent No.2 from insisting upon the petitioner to have assistant at his expenses to do the works, consequently directing the respondent No.1 to instruct respondent No.2 to allot him works that he, a person with 100% visually challenged, can do.

For Petitioner : Mr.S.Malaikani

For Respondent : Mr.V.Omprakash
Government Advocate



W.P.(MD)No.3897 of 2019

WEB COPY

ORDER

This writ petition is filed for *Writ of mandamus*, forbearing the respondent No.2 from insisting upon the petitioner to have assistant at his expenses to do the works, consequently directing the respondent No.1 to instruct respondent No.2 to allot works that he, a person with 100% visually challenged.

2. Heard Mr.S.Malaikani, learned counsel appearing for the petitioner and Mr.V.Omprakash, learned Government Advocate, appearing for the respondents. Perused the material documents available on record.

3. The petitioner is 100% visually challenged. He was appointed as Junior Assistant, by order dated 06.08.2018, thereafter the petitioner was promoted as Assistant. The second respondent is insisting the petitioner to do writing work and the respondents is fully aware that the petitioner is 100% visually challenged. The 2nd respondent deliberately giving only writing work. To do the said work he pays salary to the 3rd person who is assisting him from his own pocket. The petitioner's mother has also visually challenged and the petitioner's father is no more and his brother is going to college and his salary is



W.P.(MD)No.3897 of 2019

WEB COPY

not sufficient to run his family. Therefore, he cannot be engaged 3rd person to assist him. Hence, the petitioner has submitted a detailed representations, dated 10.01.2019 and 18.01.2019 and also invoke section 20(1) of the Rights of Persons With Disabilities Act, 2016 and prays to direct the respondents not to discriminate him. The claim of the petitioner is since he is 100% visually challenged he is not able to carry on the writing work, however, the respondents have insisted to carry out the writing work which is the duty assigned to the post of Assistant.

4. The contention of the petitioner is since he is paying salary to the 3rd person, he may not be able to run his family. The petitioner once accepted the promotion of Assistant, is bound to carry on the work assigned to the said post. There is no statutory provisions to claim any financial assistant to engage third person at the expenses of the government. It is not feasible for the government to grant any financial assistant to all persons. In several places, the visually challenged persons are able to carry on normal work and hence the claim of the petitioner cannot be entertained. Therefore, this Court is not inclined to allow the prayer as claimed in the writ petition.



W.P.(MD)No.3897 of 2019

WEB COPY

5. However, the learned counsel appearing for the petitioner submitted that, if the respondents grant sufficient time to complete the work, he would carry on the work. In view of the foregoing reasons, the respondents are directed to grant sufficient time to the petitioner to complete the work.

6. With the above directions, this Writ Petition is disposed of. No Costs.

Index : Yes / No
Internet : Yes
ksa

03.04.2023
(2/2)



W.P.(MD)No.3897 of 2019

WEB COPY

To

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W.P.(MD)No.3897 of 2019

S.SRIMATHY, J

ksa

**Order made in
W.P.(MD)No. 3897 of 2019**

03.04.2023