



W.P.Nos.15352 of 2012 etc.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE J. SATHYA NARAYANA PRASAD

**W.P.Nos.15352, 15353, 15356 to 15359 of 2012
and MP.Nos.1 & 2 of 2012**

K.Rajeswari	... Petitioner in W.P.No. 15352 of 2012
M.Bavani	... Petitioner in W.P.No. 15353 of 2012
P.Saravanan	... Petitioner in W.P.No. 15356 of 2012
P.Balakrishnan	... Petitioner in W.P.No. 15357 of 2012
M.Bala Gangadharan	... Petitioner in W.P.No. 15358 of 2012
S.Ramamoorthy	... Petitioner in W.P.No. 15359 of 2012

Vs.

1. The Principal Secretary/State Commissioner
for Differently Abled,
Chennai – 78.
2. The Director,
Employment and Training Department,
Guindy,
Chennai – 32.
3. The Joint Director,
Office of the State Commissioner,
for Differently Abled,
Chennai – 78.



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4. K.Munirajulu,
Deputy Warden,
Government Higher Secondary
School for the Deaf,
Dharmapuri.

5. S.Rajan,
Deputy Warden,
Government High School
for the Deaf,
Erode.

... Respondents

COMMON PRAYER : Writ Petitions are filed under Article 226 of Constitution of India, to issue Writ of Certiorarified Mandamus to call for the records pertaining to the order of the first respondent herein passed in his proceedings No.3906/SS.1/2011 dated 25.05.2012 appointing the fourth and fifth respondents herein as Deputy Warden in the Government School for the Deaf and quash the same and consequently, direct the first respondent herein to consider the petitioner for appointment as Deputy Warden in the Government School for the Deaf as per Rules.

In all W.Ps.

For Petitioners : Mr.R.Pream Narayanan

For Respondents

For R1 to R3 : Mr.V.Nanmaran
Addl.Government Pleader

For R5 : Mr.S.Balasubramanian

For R4 : No appearance



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COMMON ORDER

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These writ petitions have been filed seeking to call for the records pertaining to the order of the first respondent herein passed in his proceedings No.3906/SS.1/2011 dated 25.05.2012 appointing the fourth and fifth respondents herein as Deputy Warden in the Government School for the Deaf and quash the same and consequently, direct the first respondent herein to consider the petitioners for appointment as Deputy Warden in the Government School for the Deaf as per Rules.

2. The learned counsel for the petitioners submitted that though the petitioners possess requisite qualifications to the post of Deputy Warden, the first respondent herein had called for only those who had educational qualification of Higher Secondary Course, Teachers Training Certificate, Junior Diploma in Teaching the Deaf. For filling up the post of Deputy Warden in the Special Schools, the above qualification is mandatory and only when there is no person available with Junior Diploma in Teaching the Deaf, a person with Senior Diploma in Teaching the Deaf is opted. This is an admitted procedure adopted by the first respondent herein for the selection to the post of Deputy Warden in Government School for the Deaf.



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3. He further submitted that on 25.05.2012 the first respondent herein has selected Mr.K.Munirajulu/4th respondent under MBC non-priority quota and Thiru.S.Rajan/5th respondent, Hindu under SC priority quota. Thiru.S.Rajan/fifth respondent belongs to Backward Community and cannot be appointed under SC priority quota. Thiru. K.Munirajulu/4th respondent and Mr.S.Rajan/5th respondent herein have been issued with an appointed order dated 25.05.2012 as Deputy Warden in Government Higher Secondary School for the Deaf, Dharmapuri and Erode respectively. The 4th & 5th respondents are qualified in B.Ed., with Senior Diploma in Teaching the Deaf and they are qualified to be appointed as B.T.Assistant and not as Deputy Warden in the Government School for the Deaf. Therefore the order of appointment issued to the fourth respondent is liable to be quashed and the appointment order issued to the fifth respondent is contrary to the communal rotation. When the post of Deputy Warden in the Government School for the Deaf is a selection post, the first respondent herein ought to have conducted an interview among qualified persons who have registered in Employment Exchange. When the petitioners educational qualification and certificates were duly verified by the concerned District Employment Exchange and forwarded to the first respondent, without calling the petitioners for the interview have appointed the fourth and fifth



respondents. Therefore, the petitioners pray for appointment as Deputy Warden in the Government School for the Deaf as per Rules.

4. The learned Additional Government Pleader appearing for the respondents 1 to 3 has filed a counter affidavit on behalf of the second respondent and in which the details of the registration of the petitioners with the employment exchange is given and the relevant paragraph is extracted as below:-

“3. With regard to para 2 & 3 of the affidavit it is submitted that the petitioners have registered their educational qualifications in various Employment Exchanges in Tamil Nadu and their registration particulars as per the records maintained are as follows:

<i>Sl. No.</i>	<i>Name & Office</i>	<i>Registration No & Regn date</i>	<i>Community</i>	<i>Date of Birth</i>	<i>Qualifications registered with Seniority</i>
1	K.Rajeswari Thoothukudi	TTD2004F000 02894	SC	06.06.89	Sec.Gr.Tr.SF 19.01.2009 Junior Dip.in Teaching for Deaf: SF 25.10.2010
2	M.Bavani Thirunelveli	TND2009F000 00406	MBC	30.05.87	HSC SF 20.01.2009 Sec.Gr.Tr.SF 20.01.2009 Junior Dip.in Teaching for Deaf: SF 25.10.2010
3	N.Kannan Karur	KRD2007M00 005620	MBC	15.06.85	HSC SF 15.10.2007 Sec.Fr.Tr.SF 24.03.2008 Junior Dip.in Teaching for Deaf:SF 14.09.2009



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Sl. No.	Name & Office	Registration No & Regn date	Community	Date of Birth	Qualifications registered with Seniority
4	M. Sasi Dindigul	DGD2001M00 008575	MBC	30.10.77	SSLC SF 08.07.1998 HSC SF 22.06.2000 BA SF 30.12.2012 Dip.in Co-op. SF 06.11.2001 Sec.Gr.Tr.SF 24.03.2008 Junior Dip.in Teaching for Deaf:25.10.2010
5	P.Saravanan Dharmapuri	DRD2012M00 000769	MBC	02.06.86	SSLC SF 06.07.2001 HSC SF 28.05.2004 Sec.Gr.Tr.SF 12.03.2007 Junior Dip.in Teaching for Deaf: SF 26.10.2010
6	P.Bala Krishnan Thirunelveli	TND2004M00 002328	MBC	30.04.87	HSC SF 27.05.2004 Sec.Gr.Tr.SF.12.03.2007 Junior Dip.in Teaching for Deaf:SF 13.02.2009
7	M.Balagangadharan Thirunelveli	TND2009M00 000143	MBC	10.06.85	HSC SF 19.01.2009 Sec.Gr.Tr.SF 19.01.2009 Junior Dip.in Teaching for Deaf: SF 25.10.2010
8	S.Rama moorthy Dharmapuri	DRD2000M00 004388	MBC	25.04.84	SSLC SF 03.07.2000 HSC SF 31.05.2002 B.Com., SF 08.09.2005 Sec.Gr.Tr SF 24.03.2008 Junior Dip.in Teaching for Deaf:SF 25.10.2010

5. He further submitted that in paragraph No.4 of the counter affidavit, the cut off date for the Secondary Grade Teacher/Deputy Warden for



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Government Schools for Deaf vacancies are mentioned and the same is
extracted as hereunder:-

***“The Cut-off date for the above vacancies are as follows:
Scheduled Caste General Priority – All Available – Nominated
Scheduled Caste General Non-Priority – 27.02.2006
Most Backward Class – General – Non -Priority – 10.06.2004”***

6. Considering the submission and recording the counter affidavit
filed by the learned Additional Government Pleader for the respondents 1 to 3,
these writ petitions stand dismissed. No costs. Consequently connected
miscellaneous petitions are also closed.

12.06.2023

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Index : Yes /No

Speaking Order : Yes/No



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