



WEB COPY



W.P.No.34484 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2023

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.34484 of 2012

S.Vijayakumar

... Petitioner

-Vs-

The Director of Co-Operative Audit,
No.5, Kamarajar Salai,
Chepauk, Chennai – 600 005.

... Respondent

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the respondent to appoint the petitioner in the post of Junior Co-operative Auditor in the respondent's office as per the respondent's order in Na.Ka.No. 38535/2009/Aa.Pa.Aa.1 dated 07.03.2011.

For Petitioner : M/s.V.Kayalvizhi

For Respondent : Dr.T.Seenivasan
Special Government Pleader



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ORDER

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This writ petition has been filed for direction directing the respondents to appoint the petitioner in the post of Junior Co-operative Auditor.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondent and perused the materials available on record.

3. The petitioner is a visually handicapped person. He had completed M.A., M.Com. B.Ed degree. He had appeared for CSSE-I Examination for the year 2008 conducted by the Tamil Nadu Public Service Commission. He had obtained 231 marks and he was selected in the written examination. He had appeared for interview and he was selected for the post of Junior Co-operative Auditor, in the office of the said respondent. Thereafter, he was directed to produce Medical certificate. However, he was not appointed to the said post.



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4. A perusal of the counter filed by the respondent revealed that the respondent instructed the petitioner to produce Medical certificate to verify the fitness to perform the duties of Junior Co-operative Auditor. The petitioner submitted his letter issued by the Regional Medical Board and accordingly, he is unfit for the job which requires visual accuracy, since the nature of work of the Junior Cooperative Auditor requires visual accuracy. The petitioner cannot be appointed for the post which he had selected. Therefore, the respondent had sent a proposal to the Government to create a new post of Receptionist Cum Telephone Operator equivalent to the pay of Junior Co-operative Auditor by the communication dated 02.03.2012. In fact, the petitioner also agreed for the said proposal and furnished his consent to work as Receptionist Cum Telephone Operator. Even after the reminders sent by the respondent, the proposal is pending with the Government for orders.

5. In fact, in a similar case, the Government proposed to create a post of Receptionist cum Telephone Operator for another blind candidate viz., Thiru.S.Jayakumar. But, he refused to join in the said post. Hence, the respondent recommended the petitioner to the said post.



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6. Therefore, the Secretary of Co-Operative Audit is directed to issue an order of appointment to the petitioner to the post of Receptionist cum Telephone Operator, forthwith if not already issued.

7. With the above directions, this Writ petition is disposed of. No costs.

08.09.2023

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order
mn/nsl



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G.K.ILANTHIRAIYAN, J.

mn

To

The Director of Co-Operative Audit,
No.5, Kamarajar Salai,
Chepauk, Chennai – 600 005.

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