



WEB COPY



Cont.P.No.841 of 20__

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2023

CORAM:

THE HON'BLE MR.JUSTICE J. SATHYA NARAYANA PRASAD

Contempt Petition No.841 of 2023

D. Dhanalakshmi

... Petitioner

Vs.

Dr. M.Palanisamy
The Member Secretary
Teacher Recruitment Board
DPI Campus, College Road,
Chennai 600 006.
Respondent

...

Contempt Petition filed under Section 11 of the Contempt of Court Act, 1971 praying to punish the respondent for his wilful disobedience to the order of the High Court in W.P.No.17867 of 2008 dated 26.08.2022.

For Petitioner : Mr.J.Thilagaraj

For Respondent : Mr.R.Neelakandan
Additional Advocate General
Asst.by Mr.C.Kathiravan
Special Government Pleader



ORDER

WEB COPY The present Contempt Petition has been filed by the petitioner alleging non-compliance of the order of this Court passed in W.P.No.17867 of 2008 dated 26.08.2022.

2. The case of the petitioner is that she is a physically disabled person, belongs to BC Community and her educational qualification is M.Sc., B.Ed., M.Phil., Ph.D., and PGDCA (Post Graduate Diploma in Computer Applications). She worked as a Guest Lecturer in the Government Arts and Science College for Women, Barugur, Krishnagiri district from 02.12.2005 to 06.10.2008 and thereafter, on 30.11.2012, again, she joined in the same college. Till date, she is working as a Guest Lecturer in the said college. In the year 2007, the Teachers Recruitment Board (for brevity, 'TRB') called for recruitment of 1,058 lecturers for filling up the vacancies in all Government Colleges, pursuant to which, the petitioner applied for the same. Thereafter, she was called for certificate verification on 20.07.2007, after which, she did not receive any communication from TRB. Hence, she made a representation dated 20.04.2008 to the first respondent seeking to adhere to 3% reservation for the physically disabled and appoint her as a



Lecturer in the vacant post in the college where she is now working as a Guest Lecturer. However, the same was not considered. Thereafter, the petitioner approached this Court by way of filing the writ petition in W.P.No.17867 of 2009, in which this Court, vide order dated 26.08.2022, directed the first respondent to consider the petitioner's representation dated 20.04.2008 under the provisions of Section 34 of the Rights of Persons with Disabilities Act, 2016 and pass appropriate orders on merits and in accordance with law, within a period of period of six weeks from the date of receipt of a copy of the order. However, the first respondent has not complied with the order passed by this Court. Hence, the petitioner has filed this contempt petition.

3. Heard the learned counsel on both sides and perused the materials placed before this Court.

4. The learned Additional Advocate General-VIII submitted that the respondent is unable to comply with the order passed by this Court in W.P.No.17867 of 2008 dated 26.08.2022, since the Rights of Persons with Disabilities Act is of the year 2016, whereas the recruitment notification was



issued for the year 2006-07.

WEB COPY

5. The learned counsel appearing for the petitioner submitted that prior to that, the 1995 Act viz., Persons with disabilities (equal opportunities, protection of rights and full participation) Act, 1995 was in force and according to Section 33 of the said Act, 3% is reserved for persons or class of persons with disability of which 1% each shall be reserved for persons suffering from blindness or low vision, hearing impairment and locomotor disability or cerebral palsy in the posts identified for each disability.

6. Be that as it may, the respondent's affidavit dated 28.04.2023 has been placed on record and it is appropriate to extract paragraph 6 from the said affidavit:

“6. It is submitted that in pursuance of the aforementioned order dated 26.08.2022, the representation of the contempt petitioner dated 20.04.2008 is under active consideration for further course of action. It is submitted that the Board will issue the Final Order upon the representation of the contempt petitioner and will be submitting the same before the Hon'ble Court Board at the earliest”.

7. Further, a copy of the proceedings dated 13.06.2023 issued by the



respondent was also produced before this Court, the relevant portion of which, reads thus:

WEB COPY

ஆசிரியர் தேர்வு வாரியத்தால் வெளியிடப்பட்ட அறிவிக்கை(Notification) மற்றும் தகுதிப் பட்டியலின்படி (General Merit List) தங்களைவிட அதிக மதிப்பெண்கள் பெற்றுள்ள பணிநாடுநர்களை மட்டுமே தெரிவு செய்வது குறித்து பரிசீலிக்க இயலும் என்பதாலும், The Rights of Persons with Disabilities Act, 2016 Section 34 ஆணை 2006-2007-ல் வெளியிடப்பட்ட அறிவிக்கைக்கு பொருந்தாது என்பதாலும் அரசுக்கலை மற்றும் அறிவியல் கல்லூரிகள் மற்றும் கல்வியியல் கல்லூரிகளில் 2006-2007 மனையியல் துறை உதவிப்பேராசிரியர் தெரிவு வளையத்திற்குள் தாங்கள் வரவில்லை என்பதால் தங்களைத் தெரிவு செய்ய இயலாது என்பதாலும், தங்களின் 20.04.2008 நாள்ிட்ட மனுவில் கோரியுள்ள கோரிக்கையினை ஏற்க இயலாது என்ற நிலையில் தங்களது கோரிக்கையை நிராகரித்து (Rejection order) ஆணையிடலாகிறது.

8. Though the petitioner's representation which was directed to be considered *vide* order dated 26.08.2022, has been rejected *vide* proceedings dated 13.06.2023 of the first respondent, in view of the aforesaid submission made by the learned Additional Advocate General – VIII, as a special case, the respondent is directed to consider the petitioner's representation dated 20.04.2008 taking into account Section 33 of Persons with Disabilities (Equal Opportunities, Protection of rights and full participation) Act, 1995, on merits and in accordance with law and pass

appropriate orders within a period of eight weeks from the date of receipt of



Cont.P.No.841 of 20__

a copy of this order.

WEB COPY

9. With the above observation and direction, this contempt petition is closed.

27.06.2023

dpq

Index : Yes/No

Speaking Order : Yes/No

Issue order copy on 28.06.2023

J. SATHYA NARAYANA PRASAD, J.

dpq



WEB COPY



Cont.P.No.841 of 20__

Cont.P.No.841 of 2023

Issue order copy on 28.06.2023

27.06.2023