



WEB COPY

W.P.No.412 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:09.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.412 of 2023

C.Karthik Kumar

... Petitioner

VS.

1.The Principal Secretary,
Department of National High Ways,
Secretariat,
Chennai - 09.

2.The Director General,
High Ways Department,
Guindy,
Chennai - 25.

3.The Chief Engineer,
Department of National High Ways,
Guindy,
Chennai -25.

4.The Superintendent Engineer,
Department of National High Ways,
Salem - 04.

5.The Divisional Engineer,
Department of National High Ways,
Gobichettipalayam,
Erode District

...Respondents



Prayer: Writ petition filed under Article 226 of the Constitution of India for writ of Mandamus directing the respondents herein to provide 4% of reservation to the petitioner as he is coming under physically disabled persons quota as mentioned under the Rights of Person with Disabilities Act, 2016 and in the light of the Judgment of the Hon'ble Supreme Court in **Siddaraju vs. State of Karnataka** reported in **(2020) 3 SCALE 417** for the post of Assistant Divisional Engineer.

For Petitioner : Mr.K.Thilageswaran
For Respondents : Mr.E.Sundaram,
Government Advocate

ORDER

Mr.E.Sundaram, learned Government Advocate accepts notice on behalf of the respondents. By consent of both the parties, this writ petition is taken up for final disposal in the admission stage itself.

2. The grievance of the petitioner in this writ petition is that he being a disabled person is entitled for reservation in the promotion for the post of Assistant Divisional Engineer from the post of Assistant Engineer. The petitioner has given representations on various dates and the last representation was given on 23.03.2022. The petitioner has also relied upon



a Judgement of the Hon'ble Supreme Court in the case of ***Siddaraju vs. State of Karnataka reported in (2020) 3 SCALE 417*** to substantiate his claim. According to the petitioner, the respondents will have to provide reservation under the Right of Persons with Disabilities Act, 2016 for him for the post of Assistant Divisional Engineer. It is for the respondents to consider the petitioner's representation on merits and in accordance with law.

3. Heard Mr.K.Thilageswaran, learned counsel for the petitioner and Mr.E.Sundaram, learned Government Advocate appearing for the respondents.

4. No prejudice would be caused to the respondents, if they are directed to consider the petitioner's representation dated 23.03.2022 as stated supra, on merits and in accordance with law, within a time frame to be fixed by this Court.

5. 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 23.03.2022 seeking for providing him with reservation under the disabilities quota as per the Judgment of the Hon'ble Supreme Court in the case of **Siddaraju vs. State of Karnataka** reported in **(2020) 3 SCALE 417** within a period of twelve weeks from the date of receipt of a copy of this Order.

6. With the aforesaid direction, this writ petition is disposed of. No costs.

09.01.2023

nl

Index: Yes/No

Internet: Yes/No

Speaking/Non-speaking orders

Neutral citation: Yes/No



To

- 1.The Principal Secretary,
Department of National High Ways,
Secretariat,
Chennai - 09.
- 2.The Director General,
High Ways Department,
Guindy,
Chennai - 25.
- 3.The Chief Engineer,
Department of National High Ways,
Guindy,
Chennai -25.
- 4.The Superintendent Engineer,
Department of National High Ways,
Salem - 04.
- 5.The Divisional Engineer,
Department of National High Ways,
Gobichettipalayam,
Erode District



WEB COPY

W.P.No.412 of 2



ABDUL QUDDHOSE, J.
nl

W.P.No.412 of 2023

09.01.2023