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W.P.(MD)NO.5353 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.5353 of 2023 AND
W.M.P.(MD)Nos.5015 & 5016 of 2023

M.Vadivel Murugan

... Petitioner

Vs.

1. The Principal Secretary to Government,
Welfare of differently Abled Persons Department,
Secretariat, Fort St. George,
Chennai – 600 009.
2. The State Commissioner,
Commission for Welfare of Differently Abled Persons,
Chennai – 600 005.
3. The District Collector,
Ramanathapuram District,
Ramanathapuram.
4. The Tahsildar,
Kamuthi Taluk,
Ramanathapuram – 623 603.
5. J.Velmurugan
6. Balapriyadharshini
7. Anish Fathima
- 8.Ibrahim Khaleel



9.Ayyanar

10.Vasantha

11.Mohankumar

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned notification made by the 4th respondent in Arivikkai No.01/2022 dated 10.10.2022 and the consequent appointment order made in Na.Ka. A3/6610/2022 dated 14.01.2023 and quash the same as illegal and further direct respondents 3 and 4 to undertake the exercise of fresh recruitment process to the impugned vacant posts of Village Assistants in Kamuthi Taluk of Ramanathapuram District by implementing 4% reservation to differently abled persons in the light of S.27(b) of Tamil Nadu Government Servants (Conditions of Service) Act, 2016, within the time stipulated by this Court.

For Petitioner : Mr.Shaazim Shagar

For R-1 to R-4 : Mr.T.Villavankothai,
Additional Government Pleader.

For R-5 to R-11 : Mr.M.Karthikeyavenkatachalapathy

* * *

ORDER

Heard the learned counsel on either side.



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2. The petitioner challenges the impugned notification on the ground that it does not apply horizontal reservation for the differently abled candidates. There is considerable merit in the contention of the learned counsel appearing for the petitioner. But then, I am not in a position to interfere for the simple reason that the petitioner has raised this ground after taking part in the selection process and after turning out to be unsuccessful. The materials placed in the counter affidavit indicate that the private respondents who have been selected have secured more marks compared to the petitioner. However, it has been assured in the counter affidavit that in future when the recruitment for the post of Village Assistant takes place in Ramanathapuram District, horizontal reservation set out in The Tamil Nadu Government Servants (Conditions of Service) Act 2016 will be scrupulously adhered to.

3. Recording the said undertaking, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

21.06.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No
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G.R.SWAMINATHAN,J.

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