



W.P.(MD).No.17276 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.17276 of 2023

Sankaralingam

... Petitioner

Vs.

- 1.The State Commissioner,
Disabled Commissioner Office,
Chennai-600 005.
- 2.The Director,
Department of Empowerment of Persons with Disabilities,
Room No.517B-II Block,
Antyodaya Bhavan, CGO Complex,
Lodhi Road, New Delhi-110 003.
- 3.The Director,
Employment Exchange,
Guindy,
Chennai-32.
- 4.The District Collector,
Sivagangai District.
- 5.The Differently Abled Welfare Officer,
Collectorate Complex,
Sivagangai.



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6.The Director,
Social Audit Society of India (SASTA),
Panagal Malligai,
Saidapet,
Chennai.

7.The Registrar of Co-operative Societies,
No:170, NV Natarajan Maaligai,
Periyar EVR High Road,
Poonamallee High Road,
Kilpauk, Chennai-600 010.

8.The Joint Registrar,
Co-operative Societies,
Sivagangai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to grant any temporary or Permanent job based on the Disability of the petitioner (80%) visually impaired for which mercy petitions was given by the petitioner to the 1, 2, 3, 4, and 5th respondents, dated on 18.05.2022 and 10.06.2023 and consequently directing the 7th and 8th respondents to reserve and allot one job for the post of Salesman in the 7th respondent office by considering the representation of the petitioner given to the 7th and 8th respondents since the petitioner comes under protection of Section 34 of RPWD Act, 2016.

For Petitioner : Mr.M.Jothiramalingam
For R-1, R-3 to R-8: Mr.P.Veera Kathiravan
Additional Advocate General
Assisted by
Mr.N.Muthuvijayan
Special Government Pleader



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For R-2 : Mr.S.Karthick

ORDER

The present writ petition is for a Writ of Mandamus, to grant any temporary or permanent job based on the Disability of the petitioner (80%) visually impaired for which mercy petition was given by the petitioner to the respondents 1, 2, 3, 4, and 5 on 18.05.2022 and 10.06.2023 and consequently directing the respondents 7 and 8 to reserve and allot one job for the post of Salesman in the seventh respondent office by considering the representation of the petitioner given to the respondents 7 and 8 since the petitioner comes under protection of Section 34 of RPWD Act, 2016.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. The petitioner is a person with disability (Visually Impaired Person) with 80% impairment in relation to his eyes. The petitioner has completed Master Degree in Sociology and also he completed his P.G.D.C.M. At this juncture, paper publication was published by the sixth respondent, namely,



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'SASTA' seeking applications for the vacancies existing for 'SA-DRP' as 44 posts, SA-BRP vacancy as 770 posts and for supporting staff as 31 per each District. The petitioner has applied for an existing job vacancy coming under the Co-operative Society for the post of Salesman with prescribed qualifications before the seventh respondent Office. He also received a call letter from the eighth respondent Office. The petitioner also attended interview on 16.12.2022. However, so far the petitioner is not given with any appointment. So, he made a representation to the respondents 7 and 8 on 26.06.2023 seeking employment. That was not considered. Hence, this writ petition came to be filed seeking to direct the respondents to allot one job for the post of Salesman in the seventh respondent Office by considering the petitioner's representation.

4. Heard the learned Counsel for the petitioner, the learned Additional Advocate General, who is assisted by the learned Special Government Pleader for the respondents 1, 3 to 8 and the learned Counsel for the second respondent and carefully perused the materials available on record.



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5. The learned Additional Advocate General for the respondents 1, 3 to 8 submitted that total number of vacancies for the District of Sivagangai is 95 of which 4 has been ear marked for the category of disabled persons. Total number of applicants are 155. The selection process is almost over and the result is likely to be published very soon and the writ of Mandamus cannot be issued in the matters of appointment. Hence, this writ petition is pre-mature and is liable to be dismissed.

6. However, the learned Counsel for the petitioner requested to consider his representation for which the learned Additional Advocate General for the respondents responded that it is not possible to consider the representation before appointments.

7. In view of the same, this Court is not inclined to accept this writ petition and this writ petition is liable to be dismissed.

8. This writ petition stands dismissed. There shall be no order as to costs.

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NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

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L.VICTORIA GOWRI, J.

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