



W.P.(MD).No.22326 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2023

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.22326 of 2023

and

W.M.P(MD)Nos.18612 & 18613 of 2023

S.Sahaya Piramila

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
School Education Department,
Fort St.George,
Chennai.
- 2.The Director of School Education,
O/o. The Director of School Education,
DPI Complex,
Nungambakkam,
Chennai.
- 3.The Joint Director of School Education (Personnel),
DPI Complex,
Nungambakkam,
Chennai.
- 4.The Commissioner,
O/o. Madurai Corporation,
Madurai District.



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5. The Corporation of Educational Officer,
O/o Corporation of Educational Officer,
Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to consider the petitioner for promotion to the post of Headmaster of Higher Secondary School by considering the reservation for promotion for persons with Disabilities (Equal Opportunities, Protection of Right and Full Participation) Act 1995 or in the 4% existing vacancies as per Right of Persons with Disabilities Act, 2016 within the time that may be stipulated by this Court.

For Petitioner	: Mr.H.Mohammed Imran for M/s.Ajmal Associates
For R1 – R3	: Mr.N.Ramesh Arumugam Government Advocate
For R4 & R5	: M/s.S.Devasena Standing Counsel

ORDER

The present writ petition has been filed seeking direction to the respondents to consider the petitioner for promotion to the post of Headmaster of Higher Secondary School by considering the reservation for promotion for



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persons with Disabilities (Equal Opportunities, Protection of Right and Full Participation) Act 1995 or in the 4% existing vacancies as per Right of Persons with Disabilities Act, 2016 within the time that may be stipulated by this Court.

2. The petitioner is a differently abled person with 40% disability. She is working as P.G.Assistant (Home Science) at Kakkapadinidiyar Corporation Girls Higher Secondary School, Madurai. Her further avenue of promotion is to the post of Headmaster of Higher Secondary School, for which the 4th respondent vide proceedings, dated 10.08.2023 has published the list of seniority of all kind of teachers in which the petitioner's name was included at S.No.104. However, the mandate under the Right of Person with Disabilities Act 2016 that reservation for differently abled persons has to be made, is not followed in the said list of seniority. Hence, the petitioner made a representation, dated 18.08.2023 to the respondents seeking to provide with reservation to differently abled person in promotion. However, the same was not considered. Hence, this writ petition came to be filed.

3. The learned counsel for the respondents 4 and 5 fairly submitted that before disposing of the petitioner's representation, dated 18.08.2023, no final



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orders with respect to the promotion of the Headmaster of Higher Secondary School will be arrived at by the respondents. She further submitted that so far, the Government has not forward any recommendation or direction with respect to G.O.Ms.No.29 Disabled Welfare Department, dated 03.11.2022.

4. Recording the submission, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

13.09.2023

NCC : No
Index : No
Internet : No
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To

1.The Principal Secretary to Government,
The State of Tamil Nadu,
School Education Department,
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Chennai.

2.The Director of School Education,
O/o. The Director of School Education,
DPI Complex,
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3. The Joint Director of School Education (Personnel),
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L.VICTORIA GOWRI, J.

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