



W.P.No.17732 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.17732 of 2022

K.Ezhumalai

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Petitioner

Vs

1. The Commissioner for Welfare of Differently Abled,
No.5, Kamarajar Salai,
Lady Wellington College Campus,
Chennai – 600 005.

2. The District Collector,
Kallakurichi District,
Kallakurichi.

3. The Tahsildar,
Ulundurpettai Taluk,
Kallakurichi District.

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Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the respondent herein in Na.Ka.A4/11113/2010 dated 11.06.2020, quash the same and direct the third respondent herein to appoint the petitioner as Village Assistant in Ulundurpet Taluk.

For Petitioner

: Mr.S.V.Karthikeyan

For Respondents

: Dr.T.Seenivasan

Special Government Pleader



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ORDER

This Writ Petition has been filed challenging the order dated 11.06.2020 in Na.Ka.A4/11113/2010 passed by the third respondent, thereby rejected the application for appointment of the petitioner in the post of Village Assistant.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner is a differently abled person with 80% permanent locomotive disability. He had enrolled in the District Employment Exchange for a suitable job. In the year 2010, he was called for an interview for selection to the post of Village Assistant in Ulundurpet Taluk. Thereafter, without considering his special category as a differently abled persons, the third respondent appointed one K.Jayakumar as Village Assistant on 08.11.2010. The said order was challenged by the petitioner before this Court in W.P.No.2685 of 2011 and this Court set aside the order and directed the petitioner to produce the original documents and directed the third respondent to verify the records and relevant documents and if it satisfies, the third respondent appoint the petitioner as Village Assistant.

4. As directed by this Court, the petitioner attended interview



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with all the original documents. On verification of the original documents, it is found that the petitioner is affected from the Elephantiasis Disease and his disability was certified as 80%. That apart, for his disability he is getting pension of Rs.1,000/- per month from the State Government. Even as per his own statement, he categorically stated that “he is physically disabled person and he is suffering from Elephantiasis Disease and as such, he could not go for field work”. That apart, as per Rule 4 of the Tamil Nadu Village Servants Services Rules 1980, the qualifications stipulated are as follows :

5. Qualifications (1) No person shall be eligible for appointment to the post of Village Assistant, unless he possesses the qualifications specified below, namely :-

(i) knowledge to read and write Tamil ; and

(ii) knows cycling and is physically fit.

(2) The appointing authority shall also take into consideration the following factors, namely ; -

(i) whether the applicant is a resident of the charge of village ;

(ii) whether the applicant is a person belonging to one of the communities included in the list of Backward Classes recognised by the Government of Tamil Nadu ;

1. Backward Classes includes Most Backward Classes and Denotified Communities also.

(iii) whether the applicant is a person belonging to



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Scheduled Castes/Scheduled Tribes ; and

(iv) whether the applicant is an ex-serviceman.

(3) In making appointments under these rules, the appointing authority shall take into consideration the character and antecedents of the applicants.”

5. Further, as per G.O.Ms.No.188, Personnel and Administrative Reforms (Personnel-P) Department, dated 28.12.1976, the physically handicapped persons viz., the blind, the deaf, orthopedically handicapped persons, mentally retarded, leprosy cured and burnt out cases etc., provided the handicap is not such as would render the candidate unfit for efficiently discharging the duties attached to the post. Therefore, the petitioner could not able to perform his duty as Village Assistant, even as per his own statement.

6. Therefore, this Court finds no infirmity or illegality in the order dated 11.06.2020 in Na.Ka.A4/11113/2010 passed by the third respondent. Thus, the writ petition is devoid of merits and it is liable to be dismissed. Accordingly, this Writ Petition stands dismissed. No costs.

11.01.2024

Internet: Yes
Index : Yes/No
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To



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G.K.ILANTHIRAIYAN. J.



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