



WEB COPY



W.P. No. 24402 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2024

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THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P. No. 24402 of 2018

and

W.M.P. No. 28415 of 2018

1.G. Anandan

2.S. Poomalai

... Petitioners

Vs.

1.Government of Tamilnadu,
rep., by its Secretary,
Department of Tamil Development and Information,
Fort St. George, Chennai – 600 009.

2.The Principal Secretary,
Department of Welfare of Differently Abled Persons,
Government of Tamilnadu,
Fort St. George, Chennai – 600 009.

3.The State Commissioner,
Commissionerate of the Welfare of the Differently abled,
Lady Willington College,
Kamarajar Salai, Mylapore,
Chennai – 600 004.

4.The Director of Printing and Stationary,
Mount road, Annasalai, Chennai – 600 002.

... Respondents

Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the order



in G.O.(Nilai) No.120, Tamil Development and Information (EA1-1) Department, dated 23.07.2018 passed by the 1st respondent, quash the same insofar as not including the petitioners' names at S.Nos.1 and 2 in the Annexure to the said order and consequently direct the respondents to include the petitioner's names at S.Nos. 1 and 2 in the Annexure to the said order and to appoint their Junior Binder based on such seniority with all consequential benefits, Award costs and thus render justice.

For Petitioners : Ms. H. Nandhini
for V. Ajoy Khose
For Respondents : Mrs. R.L. Karthika,
Government Advocate

ORDER

Heard the learned counsel for the petitioners and the learned Additional Government Pleader for the respondents and carefully perused the materials available on record.

2. The case of the petitioners are that, both are physically challenged persons suffering with the born disability of total blindness. They were entitled to the benefits provided under the Rights of Persons with Disabilities Act, 2016. Both of them, after passing SSLC, joined ITI-Binder Course in the Government ITI for Blind Persons, Poonamallee. The first petitioner has passed ITI Binder Course in 2000-2001 and the second petitioner has passed ITI Binder Course in 2003-2004. The first



petitioner got registered his name with Employment Exchange, Salem on 24.08.2011 and the second petitioner registered his name in the District Employment Exchange, Salem on 25.09.2006. The post of Junior Binder in the Department of Printing and Stationary was undertaken during the years, 2010 and 2011. But the names of the petitioners were not sponsored by the Association for the Blind Persons and also by the Government ITI for Blind Persons, Poonamallee. Due to the reasons that they were not able to get appointments during the said recruitment drives.

3. The grievance of the petitioners is that, though, 52 persons have been appointed, but the petitioners' names have been omitted. Accordingly, the petitioners approached this Court by filing this writ petition challenging such selection and appointment made against 52 persons by ignoring the petitioners', as illegal and arbitrary and seeking for a consequential relief to include their names in the said panel for appointment.

4. A counter affidavit has been filed by the respondents. It is averred in the counter affidavit that the names of the petitioners were not sponsored by the third respondent and due to that reason only they were not considered.

5. During the course of hearing, the learned Additional Government Pleader



appearing for the respondents, on instructions submits that the petitioners' were considered for appointment, as Junior Binder and they were appointed on 13.11.2024 vide appointment orders issued by the fourth respondent and the petitioners joined in the said post and accordingly, the learned Additional Government Pleader sought to close the writ petition.

6. Having considered the facts and circumstances of the case and the submissions of the respective counsel, it is an admitted fact that, both the petitioners are seniors to the persons who are appointed as Junior Binder in the Department of Printing and Stationary, as per order dated 23.07.2018 in G.O.No.120, Tamil Development and Information Department (S&P1-1). Due to the mistake of the third respondent in sponsoring the names of the petitioners at relevant point of time, they could not get appointment along with the similarly situated persons vide proceedings dated 23.07.2018. Though they were appointed as Junior Binder in the Department of Printing and Stationary with effect from 13.11.2024, they become Juniors to those persons who are appointed vide order dated 23.07.2018. It is an admitted fact that having no fault of the petitioners, they suffered a lot for the last six years. Due to the mistake of the third respondent, the petitioners who are suffering with total blindness are forced to put to irreparable loss and hardship.



7. Under these circumstances, this Court intends to compensate the loss caused to the petitioners by passing appropriate orders.

8. In the considered opinion of this Court, if petitioners are granted seniority with effect from 23.07.2018, on which date the similarly situated persons were appointed and by granting all notional benefits to the petitioners, the loss caused to them can be compensated to some extent.

9. For the reasons stated above, this Writ Petition is allowed with the following direction: -

i) The respondents are directed to give seniority to the petitioners on par with the candidates appointed as Junior Binder pursuant to the order in G.O.No.120, Tamil Development and Information Department (S&P1-1), dated 23.07.2018 issued by the first respondent, with continuity of service, all notional and consequential benefits.

ii) The respondents shall pay salary and other benefits on par with the candidates appointed pursuant to order dated 23.07.2018.

iii) However, considering the loss caused to the petitioners due to mistake of the third respondent in not sponsoring the names of the



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petitioners for which they are fully qualified, eligible and seniors to the other persons who are appointed at that relevant point of time, the respondents are directed to pay costs of Rs.50,000/- to the each petitioners, within a period of four weeks from today.

10. Consequently, connected miscellaneous petition is closed.

02.12.2024

Index :Yes/No

Neutral Citation :Yes/No

AT

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BATTU DEVANAND, J.

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