



WEB COPY

W.P.No.18979 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2024

CORAM

THE HONOURABLE MR.JUSTICE **D. BHARATHA CHAKRAVARTHY**

W.P.No.18979 of 2023
and WMP.Nos.18221 & 18222 of 2023

M. Karthikeyan

... Petitioner

-Vs-

1. State of Tamil Nadu
Rep.by its Secretary for Health &
Family Welfare Department,
Fort St.George, Chennai - 9.
2. The Secretary
Welfare of Differently Abled
Persons Department,
Secretariat, Chennai - 9.
3. The Director
Directorate of Medical Education,
Kilpauk, Chennai - 10.
4. The Dean
Thanjavur Medical College,
Thanjavur.

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to quash the impugned order in Ref.No.106358/E5/3/2023 dated 06.06.2023 issued by the 3rd respondent as illegal and direct the 3rd respondent to include the name of the petitioner in the panel list for the post of Librarian Grade I.



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For Petitioner : Mr.M.Karpagam

For Respondents : Mr.M.Bindran

Additional Government Pleader

ORDER

This writ petition has been filed for issuance of Certiorarified Mandamus to quash the impugned order in Ref.No.106358/E5/3/2023 dated 06.06.2023 issued by the 3rd respondent as illegal and direct the 3rd respondent to include the name of the petitioner in the panel list for the post of Librarian Grade I.

2. The petitioner is a differently abled person who is presently working as a Lecturer in Pharmacy in the Tamil Nadu Medical Services. While so, when the respondents issued notification for filling up the vacancies in the post of Librarian Grade-I, the petitioner having possessed requisite qualification and was also entitled to be appointed / promoted under the differently abled quota. Finding that the respondents did not reserve any post at all for the 4% reservation to be given under the said quota the petitioner made a request. But the impugned order dated 06.06.2023 was passed relying upon the G.O.Ms.No.20 dated 20.06.2018 rejecting his request. Aggrieved thereby, the petitioner has filed the present writ petition.



3. The learned counsel for the petitioner submitted that the position in G.O.Ms.No.20 dated 20.06.2018 has been changed. There are also rulings of the Hon'ble Supreme Court of India to the effect that the respondents are liable to provide reservation.

4. Be that as it may, from the counter affidavit filed on behalf of the respondents, the method of appointment to the post of Librarian Grade-I is given, which is extracted below:-

"The method of appointment to the post of Librarian Grade I prescribed in Tamil Nadu Medical Subordinate Service Special Rules is detailed below

(i) By recruitment by transfer from among the holders of the posts in any class or category in the Tamil Nadu Ministerial Service in the Medical Department.

(or)

(ii) By promotion from among the holders of the posts in any class or category in the Tamil Nadu Medical Subordinate Service

(or)

(iii) By direct recruitment, if no qualified and suitable candidates are available for appointment for the post by above methods.

Provided that the ratio of appointment in item (i) & (ii) above shall be 1:1.



5. The petitioner belongs to Tamil Nadu Medical Service and as such is not in one feeder cadre for the post.

6. In that view of the matter, the present writ petition cannot be entertained, as the petitioner is not eligible to be appointed in the post of Grade – I Librarian and only observing that the respondents will take into account the relevant reservation for differently abled persons, this writ petition stands dismissed. No costs. Connected miscellaneous petitions are also closed.

05.04.2024

Index : Yes/No
Speaking order/Non-speaking order
dpq



To

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for Health &
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Welfare of Differently Abled
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