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W.P.No.12843 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2024

CORAM :

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.12843 of 2017

and

W.M.P.No.13696 of 2017

R.Vidhya

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
School Education Department,
Secretariat, Fort.St.George,
Chennai – 600 009.

2.The Director of School Education,
Directorate of School Education,
DPI Compound, College Road,
Chennai – 600 006.

3.The Chief Educational Officer,
Dharmapuri.

4.The Member Secretary,
Teachers Recruitment Board,
4th Floor, E.V.K.Sampath Maligai,
DPI Compound, College Road,
Chennai – 600 006.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for



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issuance of a Writ of Mandamus, to direct the respondents to consider the petitioner for appointment to the post of Lab Assistant after taking note of the Medical Certificate dated 21.04.2017 issued by the Director and Professor of Upgraded Institution of Oto Rhino Laryngology, Madras Medical College and Rajiv Gandhi Government General Hospital, Chennai.

For Petitioner : Mr.V.S.Jagadeesan

For Respondents :
For R1 to R3 : Mr.K.H.Ravikumar
Government Advocate

For R4 : Mr.R.Siddharth
Government Advocate

ORDER

The petitioner herein being an employed person, in response to the notification issued by the Department of School Education, Chennai dated 22.04.2015, has submitted her application for the post of Lab Assistant. Pursuant to the said application, the petitioner was allowed to participate in the screening test and also subsequent certificate verification, interview etc.

2. In all, the petitioner has secured 112 marks with Registration No.17201183. The petitioner claimed reservation under B.C. Non-Priority (Women) category. In terms of merit, the last candidate who was selected under the said category secured 123 marks and as against O.C. Non-Priority



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(Women), the last candidate selected secured 129 marks. Since the petitioner has not come within the zone of merit, the petitioner could not be selected for the post of Lab Assistant.

3. It is the case of the petitioner that after she made an application for the post of Lab Assistant in response to the notification referred to above and before the certificate verification was conducted, she suffered disability namely, Tracheotomy and thereby, she is disabled from speaking anything and to that effect, a certificate dated 21.04.2017 was also issued by the Director and Professor of Upgraded Institute of Oto-Rhino-Laryngology, Madras Medical College and Rajiv Gandhi Government General Hospital, Chennai. Thus, based upon the said certificate dated 21.04.2017, the petitioner claims for consideration of her case under disability category for filling up the post of Lab Assistant under notification dated 22.04.2015.

4. It is not in dispute that the petitioner could not come up for selection to the post of Lab Assistant on merit either under O.C. Non-Priority (Women) Category or under B.C. Non-Priority (Women) category.

5. Admittedly, the application that was submitted by the petitioner in



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response to the notification in question, is not against the post under disability category. Neither the petitioner was the candidate falling under the disability category as on the date of submission of her application pursuant to the notification dated 22.04.2015 nor she applied under said category. The petitioner seems to have suffered from certain disability thereby falling under disability category after the notification was issued and now is claiming for consideration of her case under disability category.

6. In the given circumstances, the disability of the petitioner is to be verified with reference to the date of notification or with reference to the date of submission of her application in response to the notification. Admittedly, the petitioner is not the candidate falling under the disability category as on the date of notification in question or on the date of submission of her application.

7. Hence, the question of considering the case of the petitioner under disability category pursuant to notification dated 22.04.2015 does not arise.

8. In the light of the above, in the considered view of this Court, there are no merits in the present writ petition and the same is accordingly dismissed. No costs. Connected Writ Miscellaneous Petition is closed.



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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation : Yes/No

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MUMMINENI SUDHEER KUMAR, J.

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