



W.P.No.15031 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2024

CORAM:

THE HONOURABLE MRS.JUSTICE N. MALA

W.P.No.15031 of 2017
and WMP.No.16270 of 2017

N. Naresh

... Petitioner

Vs.

1. The Government of Tamil Nadu
Rep.by its Secretary,
School Education Department,
St.George Fort,
Chennai 600 009.

2. The Director
School Education Department,
College Road,
Nungambakkam,
Chennai 600 006.

3. The Chief Educational Officer,
Thiruvallur,
Thiruvallur District 602 001.

... Respondents

PRAYER : Writ Petition filed under Article 226 of Constitution of India, to issue Writ of Mandamus directing the respondents to consider the petitioner's representation dated 18.04.2017 to fill the vacant posts for Lab Assistant for PWD – SC quota in the Thiruvallur District.



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For Petitioner : Mr.J.S.Arun Kumar

For Respondents : Mr.S.Prabhakaran
Government Advocate

ORDER

This writ petition has been filed to direct the respondents to consider the petitioner's representation dated 18.04.2017 and to fill the vacant posts for Lab Assistant for PWD – SC quota in the Thiruvallur District.

2. The case of the petitioner is that he is a 50% physically challenged person and belongs to Schedule Caste Community (SC). The petitioner completed Diploma in teaching Education (D.T.Ed) and he is jobless. On 22.04.2015, the 3rd respondent issued a circular for the recruitment of 179 posts for Lab Assistants in Thiruvallur District Government Schools against an all over vacancy of 4362 posts. The petitioner submitted his application in pursuance of an advertisement dated 24.04.2015. Thereafter, on 31.05.2015, written examination was conducted and the petitioner participated in the written exam. On 24.03.2017 results were published and on the basis of the marks obtained in the written examination the petitioner became eligible for certificate verification. Out of 179 vacant posts, 7 posts were allotted for physically challenged persons (PWD). 357 candidates were called under PWD quota in the



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ratio 1:5 for certificate verification. On 06.04.2017 call letter was sent to the petitioner for certificate verification. On 10.04.2017 certificate verification was conducted at DRPCC Hindu High School, Tiruvallur and the petitioner obtained 89 marks. (2 marks were given for +2 qualification, 10 marks were given for Employment Exchange seniority).

3. While so, on 15.04.2017 selected candidates list for counselling was pasted at Thiruvallur Chief Educational Office (3rd respondent herein) and the petitioner was shocked to note that for the 7 posts, only 2 physically challenged candidates belonging to Backward Community (BC) were included in the list and the remaining 5 posts were left unfilled by simply mentioning as Reserved for PWD GT. According to the petitioner if all the remaining 5 posts were also filled he would have been selected on the basis of his high marks and so he submitted a representation to the respondents on 18.04.2017. Since there was no response, the petitioner was constrained to file the above writ petition.

4. Though very many grounds have been raised in the Writ Petition, learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the 1st respondent to consider the petitioner's representation dated 18.04.2017 and pass appropriate orders on merits, within a time frame to



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be fixed by this Court.
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5. The learned Government Advocate appearing for the respondents 1 to 3 submitted that he has no objection to the said submission, but as the representation was submitted by the petitioner 7 years back on 18.04.2017, a direction may be issued to the petitioner to submit a fresh copy of the representation dated 18.04.2017.

6. Heard the learned counsels for both sides and perused the materials available on record.

7. Considering the limited prayer of the petitioner's counsel and without going into the merits of the case, the following directions are issued.

(i) the petitioner is directed to submit a fresh representation to the first respondent, within a period of one week from the date of receipt of a copy of this order.

(ii) on receipt of the representation, the first respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law, within a period of four weeks thereafter.



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8. Accordingly, this Writ Petition is disposed of with the aforesaid directions. No costs. Consequently, connected miscellaneous petition is also closed.

20.08.2024

dpq

Index : Yes /No

Speaking Order : Yes/No

N. MALA, J.

dpq

To



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