



W.P.No.1939 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE K. RAJASEKAR

W.P.No.1939 of 2024

R.Murugan

... Petitioner

Vs.

1.The Registrar General,
High Court, Madras,
Chennai – 600 104.

2.The Principal Secretary to Government,
Human Resources Management
Department (K-2), Secretariat, Chennai – 600 009.

3.The Additional Chief Secretary to Government,
Home (Circots) Department, Secretariat,
Chennai – 600 009.

4.The Principal District and Sessions Judge,
Thiruvallur District, Thiruvallur.

... Respondents

*[R4 impleaded vide order of this Court made in
W.M.P.No.2621 of 2024 in W.P.No.1939 of 2024
dated 05.03.2024]*



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Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to take into consideration the above facts on the above selection process and dispose of petitioner's representations dated 03.03.2023.

For Petitioner	:	Mr.T.Dharani
For R1 and R4	:	Mrs.A.Karthika
For R2 and R3	:	Mrs.P.Raja Rajeswari Government Advocate

ORDER

(Order of the Court was made by **S.M. SUBRAMANIAM, J.**)

The relief sought for in the present writ petition is to direct the respondents to consider the representation submitted by the writ petitioner on 03.03.2023.

2.The petitioner states that he passed SSLC, Higher Secondary Course and also passed English Typewriting (Senior Grade) and Tamil Typewriting (Senior Grade). The petitioner possesses a Bachelors degree in



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Computer Applications and further completed Masters in Computer Applications and Honors Diploma in Computer Application. The petitioner states that he has registered his name in the District Employment Exchange at Thiruvallur. He is a Differently Abled Person (Ortho). Thus, he is entitled to avail the benefits under the provisions of the Rights of Persons with Disabilities Act, 2016. The petitioner was earlier working as temporary employee in the Judicial Department in the year 2014. Admittedly, he was ousted from service. Thereafter, he was not re-employed. Now, after considerable length of time, the petitioner submitted a representation on 03.03.2023 to the respondents to provide appointment under the Disability Quota.

3.By issuing a direction to dispose of the representation, the petitioner cannot secure public employment. Issuing such a direction to the authorities would do no service to the cause of justice. The litigant will be back again to the High Court by filing further litigations. The High Court is expected to decide the issues on merits at all circumstances. Mechanical disposal of cases by directing the authorities to consider the representations



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would lead to corrupt practices in public administration. There is a possibility of abuse of such directions, if any, issued by the High Court without considering the issues on merits. Thus, we are not inclined to issue any direction to consider the representation.

4.Regarding the claim of the petitioner for appointment, all appointments are to be made under the Constitutional Schemes and in accordance with the Rules in force. Equal opportunity in public employment is the Constitutional mandate. Disabled Persons are entitled to avail the quota provided under the Service Rules in consonance with the provisions of the Rights of Persons with Disabilities Act, 2016. Therefore, merely by filing a writ petition, the petitioner cannot secure public employment. He has to participate in the process of selection if any recruitment notification has been issued by the recruiting agency. Thus, the relief as such sought for in the writ petition is misconceived and cannot be considered.



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WEB COPY 5. Consequently, this writ petition stands dismissed. No costs.

(S.M.S., J.) (K.R.S., J.)
05.03.2024

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Internet : Yes

Index : Yes

Speaking order : Yes

Neutral Citation : Yes / No

To

1. The Registrar General,
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2. The Principal District and Sessions Judge,
Thiruvallur District, Thiruvallur.
3. The Principal Secretary to Government,
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Department (K-2), Secretariat, Chennai – 600 009.
4. The Additional Chief Secretary to Government,
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