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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.22198 of 2024

S.Karuppasamy

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation(TVL) Limited,
23/2, Thoothukudi Road,
Kattabomman Nagar,
Tirunelveli District – 627 007.

2.The General Manager,
Tamil Nadu State Transport Corporation(TVL) Limited,
Tirunelveli Region,
Tirunelveli District – 627 007.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the 2nd respondent to provide alternate job in the post of security or as a bus stand duty on the base of the petitioner's representation dated 22.08.2024 in the light of the sec.47 of The Persons with Disabilities (equal opportunities, Protection of rights and full participation) Act 1995 with a stipulated time fixed by this Court.

For Petitioner : Mr.K.Gokul

For Respondents : Mr.K.Ramaiah
Standing Counsel



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ORDER

The instant writ petition has been filed by a Driver of the respondent transport corporation, seeking a mandamus to provide alternative job, in the light of the Section 47 of the Persons with Disabilities(equal opportunities, protection of rights and full participation) Act, 1995.

2. According to the learned Counsel appearing for the writ petitioner, he met with an accident in December 2015 and he is suffering from 'Acromioclavicular Arthritis' joint disease and therefore, he has sent a representation on 22.08.2024 seeking alternative employment. Since the same has not been considered, the present writ petition has been filed.

3. The learned Standing Counsel appearing for the respondents transport corporation has brought to the notice of the Court that the petitioner was referred to Regional Medical Board, Rajiv Gandhi Government General Hospital, Chennai on 23.03.2018 to ascertain his fitness for the job of driver. The Medical Board has issued a certificate to the effect that the Medical illness of the writ petitioner does not make him unfit for the job of a driver.



4. In view of the certificate issued by the Regional Medical Board, Rajiv Gandhi Government General Hospital, Chennai, this Court is of the considered opinion that the petitioner would not be entitled to seek a mandamus to provide for an alternative employment.

5. There are no merits in the writ petition. Accordingly, this writ petition stands dismissed. No costs.

19.09.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
RJR



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R.VIJAYAKUMAR, J.

RJR

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