



W.P.(MD)No.3126 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.08.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.(MD)No.3126 of 2017

and

W.P.(MD)No.3103 of 2019

Sumaiya

... Petitioner

/Vs./

1.The Director,
Information and Public Relationship Department,
Secretariat, St.George Fort,
Chennai.

2.The Commissioner for the State Disability Board,
O/o. State Disability Board,
Jawaharlal Nehru Inner Circle Road,
K.K.Nagar,
Chennai - 600 078.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned letter No.18462/Nir.2/2016, dated 24.01.2017 passed by the 1st Respondent and quash the same and consequently directing the respondents to provide an Assistant Public Relation Officer Post to the petitioner within the reasonable time which may be fix by this Court.



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For Petitioner : Mr.R.Murugappan
For Respondents : Mrs.D.Farjana Ghoushia
Special Government Pleader

ORDER

This writ petition has been filed challenging the letter dated 24.01.2017 issued by the first respondent rejecting the petitioner's request to provide Assistant Public Relation Officer post.

2. The petitioner claims that by total non-application of mind, without considering the petitioner's representation dated 06.06.2016, the impugned letter has been issued by the first respondent as if no such representation was received by the first respondent. The petitioner is a physically challenged woman having completed M.A.(Lit.) and B.Ed.. According to the petitioner, she has also done PG Diploma in Advertising and Public Relations Course and she is fully qualified to hold the post of Assistant Public Relation Officer. Being a physically disabled person and being fully qualified, she claims that she will have to be appointed as Assistant Public Relation Officer. The petitioner had given a



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representation on 06.06.2016 to the respondents seeking for appointment to the post of Assistant Public Relation Officer. However, under the impugned letter, the request of the petitioner has been rejected. The first respondent has not considered the representation of the petitioner dated 06.06.2016, wherein she has highlighted her disability and her educational qualification and she has also made a case for appointment to the post of Assistant Public Relation Officer.

3. A Counter affidavit has been filed by the respondents before this Court stating that only through recruitment process, any appointment to the post of Assistant Public Relation Officer can be made and there is no provision for direct appointment as pleaded by the petitioner.

4. However, the learned counsel appearing for the petitioner would submit that subsequent to the filling of this writ petition, the petitioner has given a representation to the Chief Secretary seeking appointment to the post of Assistant Public Relation Officer by considering her plight and the said plea is under consideration. He would also submit that since the representation of the petitioner dated



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06.06.2016 has not been considered in the impugned letter dated 24.01.2017 issued by the first respondent, he prays for reconsideration of the impugned letter dated 24.01.2017, after giving due consideration to the representation of the petitioner dated 06.06.2016, wherein the plight of the petitioner has been highlighted. He would reiterate that for the post of Assistant Public Relation Officer, direct recruitment without issuance of recruitment notification is possible.

5. Without admitting the aforesaid contention, this Court, after giving due consideration to the plight of the petitioner, as well as the impugned letter dated 24.01.2017, which under the respondent has not considered the representation of the petitioner dated 06.06.2016, wherein the petitioner has highlighted her plight and her necessity to get appointment to the post of Assistant Public Relation Officer, is of the considered view that no prejudice will be caused to the respondents, if the impugned letter dated 24.01.2017 passed by the first respondent is reconsidered on merits and in accordance with law, after affording an opportunity of hearing to the petitioner within a time frame to be fixed by this Court. However, it is made clear that the impugned letter issued by



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the first respondent dated 24.01.2017 has not been quashed by this Court, but a direction is issued only to reconsider the same on merits and in accordance with law, after affording one hearing to the petitioner.

6. For the foregoing reasons, this writ petition is disposed of by directing the first respondent to reconsider the impugned letter dated 24.01.2017 after giving due consideration to the petitioner's representation dated 06.06.2016 and after affording one hearing to the petitioner and pass final orders within a period of twelve (12) weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

16.08.2024

Index : Yes / No
NCC : Yes / No
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TO:

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O/o. State Disability Board,
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ABDUL QUDDHOSE, J.

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Order made in
W.P.(MD)No.3126 of 2017

Dated:
16.08.2024