



W.P.(MD)No.24400 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.10.2024

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.24400 of 2024

and

W.M.P.(MD).Nos.20724 & 20725 of 2024

L.Bastin

... Petitioner

Vs.

1. The State of TamilNadu,
Rep. by its Secretary to Government,
School Education Department,
Secretariat,
Chennai.

2. The Secretary,
Teachers Recruitment Board,
Puratchi Thalaivar Dr.M.G.R. Centenary Building,
3rd & 4th Floor, Perasiriyar Anbazhagan Kalvi Valagam,
College Road, Nungambakkam,
Chennai-6.

3. A.Murugan

4. G.Manimaran

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records relating to the impugned provisional selection list of candidates for direct recruitment of Graduate Assistants/Block Resource Teacher Educators (BRTE)-2023 for Tamil Subject issued by the 2nd respondent in his proceedings No.Nil dated 23.08.2024



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in so far as S.Nos.431 & 436 are concerned and quash the same as illegal and consequentially to direct the Respondents 1 & 2 to consider the petitioner for the appointment to the post of Graduate Assistant (Tamil) in the vacancies earmarked for Person with Disability (PWD) under Visually Impaired(VI) category in pursuance of Notification issued by the 2nd respondent in his notification No.03/2023 dated 25.10.2023 within the period that may be stipulated by this Court.

For Petitioner : Mr.C.Venkatesh Kumar

For Respondent No.1 : Mr.J.Ashok
Additional Government Pleader
For Respondent No.2 : Mr.VR.Shanmuganathan,
Standing Counsel

* * * * *

ORDER

The instant writ petition has been filed by an aspirant to the post of Graduate Assistants/Block Resource Teacher Educators (BRTE)-2023 for Tamil Subject pursuant to the notification issued by the Teachers Recruitment Board dated 25.10.2023, seeking to quash the provisional selection list issued by the 2nd respondent dated 23.08.2024.



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2. According to the learned counsel appearing for the writ petitioner, the petitioner is a visually challenged person and he has applied for the said post under the Persons with Disability under Visually Impaired category. Though, the petitioner has secured 87 marks and the petitioner belongs to Backward Class category, the petitioner was not considered under the category of visually impaired person.

3. The learned Counsel appearing for the petitioner further submits that the 3rd and 4th respondents herein who have secured 82.50 and 81.50 marks have been considered under visually impaired category. Whereas, the petitioner who had secured 87 marks has not been considered.

4. The learned Standing Counsel appearing for the 2nd respondent herein had contended that the Teachers Recruitment Board had considered the passbook issued by the Government of TamilNadu for physically disabled persons. Wherein, it is mentioned that the petitioner is not a visually impaired person, but, with Locomotor disability. In such circumstances, the petitioner's name could not be considered under visually impaired category.



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5. This Court perused the pass book and the disability certificate issued by the Government of TamilNadu. It reveals that, in the first page of the said pass book, the petitioner is said to be under the visually impaired category. However in the 3rd page of the said passbook, it was erroneously mentioned as LD referring Locomotor Disability. This Court has also perused the disability certificate issued in Form-II, wherein it has specifically mentioned as Visual Impairment namely 'Optic Atrophy'. Therefore, it is clear that the authorities, while making entry in the 3rd page of the said pass book, by mistake has referred the impairment of the petitioner as LD(Locomotor Disability) instead of V.I (Visual Impairment). The said mistake has also been rectified, after the name of the petitioner was not considered by the Teachers Recruitment Board.

6. Considering the fact that the petitioner is Visually Impaired person and the certificate issued in Form-II clearly mentions that the petitioner is suffering from 'Optic Atrophy', which is the Visual Impairment. This court is of the considered opinion that the name of the petitioner ought to have been considered by the Teachers Recruitment Board in view of the fact that the petitioner has secured 87 marks.



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7. In view of the above said deliberations, the provisional selection list for direct recruitment of Graduate Assistants/Block Resource Teacher Educators (BRTE)-2023 for Tamil subject issued by the 2nd respondent on 23.08.2024 is quashed as against the respondents 3 and 4 are concerned. The respondents 1 and 2 are directed to consider the appointment of the petitioner to the post of Graduate Assistants/Block Resource Teacher Educators (BRTE)-2023 for Tamil subject in the vacancy ear-marked for the person with disability under the Visually Impaired category and pass orders within a period of eight (8) weeks from the date of receipt of a copy of this order.

8. With the above said observations, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

29.10.2024

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

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R.VIJAYAKUMAR, J.

GVN

To

- 1.The Secretary to Government,
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Secretariat,
Chennai.
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Teachers Recruitment Board,
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