



W.P. No. 11048 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2025

CORAM

THE HON'BLE Ms. JUSTICE R.N.MANJULA

W.P. No. 11048 of 2019

and

W.M.P. No. 11486 of 2019

Nanthagopal

... Petitioner

-VS-

1. The District Collector
Office of the District Collector
Cuddalore.
2. The Revenue Divisional Officer
Revenue Divisional Office
Chidambaram.
3. The Tahsildar
Taluk Office
Kattumannarkoil
Cuddalore District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the third respondent to permit the petitioner to join duty for the post of Village Assistant, Udayagudi Village, Kattumannarkoil Taluk, Cuddalore District in view of the order of appointment dated 27.06.2018 vide Na.Ka. A5/1736/2018 issued by the third respondent.



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For Petitioner : Mr.G.Pugazhenth

For Respondents : Mr.P.Ananda Kumar, GA (RR1 to 3)

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ORDER

This writ petition has been filed for directing the third respondent to permit the petitioner to join duty for the post of Village Assistant, Udayagudi Village, Kattumannarkoil Taluk, Cuddalore District in view of the order of appointment dated 27.06.2018 vide Na.Ka. A5/1736/2018 issued by the third respondent.

2. Heard Mr.G.Pugazhenth, learned counsel for the petitioner and Mr.P.Ananda Kumar, learned Government Advocate for the respondents and perused the materials placed on record, apart from the pleadings of the parties.

3. The grievance to be ventilated by the petitioner is that the petitioner, who has challenged the order of appointment issued by the third respondent, is not allowed to join service by citing the reason that he is mentally retarded.

4. The learned counsel for the petitioner submitted that the petitioner was called for interview to be held on 22.06.2018 through a call letter dated



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13.06.2018. He also attended the interview and thereafter, he was issued with the appointment order dated 27.06.2018 by the third respondent. As per the conditions in the appointment order, the petitioner has to obtain physical fitness certificate. He produced it on 07.07.2018. But he was not allowed to join by pointing out that the petitioner's employment card it is entered that he is a mentally retarded person. So it is found that he is not qualified to assume the job of the Village Assistant.

5. The identity card(ID) produced by the petitioner has got an entry as '*mentally retarded*' and he is a differently abled person. However, the third respondent did not pass any written order as to why the petitioner has not been allowed to join. The petitioner had attended the interview and that time it was not objected that the petitioner did have the mental capability to perform the role of Village Assistant. For the reasons known to the petitioner, he has registered himself as physically challenged category, that too, a mentally retarded person. In such case, the respondent is expected to issue a show cause to the petitioner and given an opportunity to give his explanation and then pass an order as to his mental eligibility to avail an order of appointment. So far, no such order has been passed. In fact, the petitioner has given a representation on 16.07.2018. That representation also has not been considered so far.



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6. As the petitioner, who had been given with the appointment order of the third respondent is not allowed to join without any speaking order of the refusal by citing the order of disposal, I feel it is appropriate that the third respondent to pass orders on the representation of the petitioner dated 16.07.2018. Accordingly, the writ petition is disposed. The third respondent is directed to consider the representation of the petitioner dated 16.07.2018 and pass orders on merits within a period of four(4) weeks from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous Petition is closed. No costs.

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Index: Yes/No

Internet: Yes/No

Speaking /Non-speaking order

Maya

To

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R.N.MANJULA, J.

Maya

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