

W.P(MD)No.7172 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED: 28.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.7172 of 2022 and
WMP(MD) No.5429 of 2022

S.Vanitha

... Petitioner

Vs

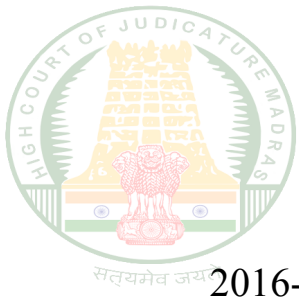
1.The Transport Commissioner,
Transport and Road Safety Commission,
Ezhilakam, Chepauk, Chennai.

2.The Joint Transport Commissioner,(A),
Commissionerate of Transport and Road Safety,
Chepauk, Chennai-5.

3.The Deputy Commissioner of Transport,
Tirunelveli Region,
Perumal Puram,
Tirunelveli.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to give promotion to the post of Superintendent under the physically challenged persons quota for the panel



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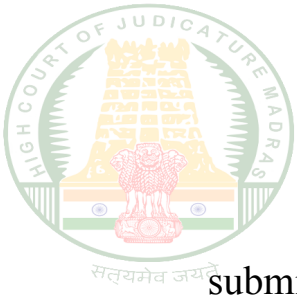
2016-2017 to 2019-2020 when with her junior promotion effected on wards and pay all other service and monitory benefits, by following under Section 34 of the Right of Persons with Disabilities Act, 2016, within the time limit stipulated by this Court.

For Petitioner : Mr.D.Selvanayagam
For Respondents : Mr.P.T.Thiraviyam
Government Advocate

ORDER

The petitioner is a physically challenged person, working as an Assistant in the Regional Transport Office. She has submitted a representation to the respondents that she is entitled for promotion, under the "physically challenged persons quota" and also filed this writ petition seeking a Mandamus, directing the respondents to give promotion to the post of Superintendent.

2.Today(28.01.2025), when this writ petition is taken up for hearing, the learned Government Advocate appearing for the respondents submits that there is no provision for providing any promotion under "physically challenged persons quota". He further



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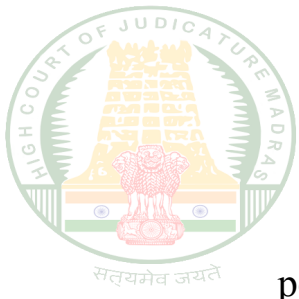
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submits that the petitioner has not completed the Departmental tests, which is required for promotion, under Rule 30B of the Tamil Nadu Ministerial Service Rules.

3. In reply, the learned counsel for the petitioner submits that he has to engage a Senior Counsel in this matter and elaborate argument is required.

4.The relief sought for by this petitioner is that she is entitled for promotion under "physically challenged persons quota", as per Section 34 of the Rights of Persons with Disabilities Act, 2016. The above Section refers to reservation at the time of recruitment/appointment and not for promotion, which reads as under:-

“Every appropriate Government shall appoint in every Government establishment, not less than four per cent of the total number of vacancies in the cadre strength in each group of posts meant to be filled with persons with benchmark disabilities of which, one per cent. each shall be reserved for



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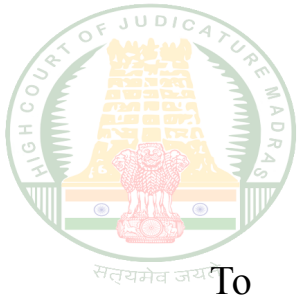
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persons with benchmark disabilities" .

5. Therefore, the respondents are not supposed to keep the representation of this petitioner without any progress. The respondents shall take a decision on the representation of this petitioner, by referring to the relevant provision and intimate the same to her, within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

28.01.2025

NCC:Yes/No
Index:Yes
vrn



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B.PUGALENDHI, J.

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Order made in
W.P(MD)No.7172 of 2022 and
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28.01.2025