

GAHC010197642023



**THE GAUHATI HIGH COURT**  
**(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)**

**Case No. : WP(C)/5164/2023**

DIGANTA TALUKDAR  
SON OF LATE JITEN TALUKDAR, VILLAGE- PURNA KHUMAHUM, P.O-  
LAHKARPARA, P.S- KAYAN, DISTRICT- KAMRUP (R), PIN - 781350

VERSUS

THE STATE OF ASSAM AND 4 ORS  
REPRESENTED BY PRINCIPAL SECRETARY TO THE GOVERNMENT OF  
ASSAM, SOCIAL JUSTICE AND EMPOWERMENT DEPARTMENT, ASSAM,  
DISPUR, GUWAHATI- 781006

2:THE DIRECTOR  
DIRECTORATE OF SOCIAL JUSTICE AND EMPOWERMENT  
LAKHI MANDIR  
SAURABH NAGAR  
BELTOLA  
GUWAHATI- 781028

3:THE MANAGER  
GOVERNMENT BRAILLE PRESS  
BASISTHA  
LATAKATA  
GUWAHATI- 781029

4:THE COMMISSIONER

FOR PERSONS WITH DISABILITIES  
ASSAM  
OFFICE OF THE COMMISSIONER FOR PERSONS WITH DISABILITIES  
ASSAM  
LATAKATA  
BASISTHA

GUWAHATI-781029

5:INDRA BORA  
GOVERNMENT BRAILLE PRESS COTTAGE NO. 5  
LATAKATA  
BASISTHA  
GUWAHATI  
ASSAM  
PIN - 78102

For the Petitioner(s) : Mr. B. K. Mahajan, Advocate

For the Respondent(s) : Ms. S. Sarma, Jr. Government Advocate

**BEFORE  
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

**JUDGMENT AND ORDER (ORAL)**

**Date : 08-09-2023**

1. The instant writ petition has been filed by the Petitioner seeking a writ in the nature of certiorari to set aside the ousting of the Petitioner from his allotted Government quarter i.e. Cottage No.6 in order to accommodate the Private Respondent No.5; for a writ in the nature of mandamus directing the Respondent Authorities not to oust the Petitioner from his allotted Government quarter i.e. Cottage No.6 as well as also a writ in the nature of mandamus directing the Respondent Authorities to provide reasonable accommodation and appropriate barrier free and conducive environment to the Petitioner.

2. The facts involved in the instant case are that the Petitioner claims that he is a 100% visually impaired person working as a "Proof Reader" in the Government Braille Press, Basistha under the Directorate of Social Welfare, Assam. On 16.03.2009, the Manager, Government Braille Press, Basistha issued

an office order by which the Petitioner was allotted a Government Braille Press quarter bearing Cottage No.6 which is near the Government Braille Press office for residential accommodation. The Petitioner along with his family started to reside in the said allotted Government quarter.

3. It is further seen from a perusal of the writ petition that the Petitioner claims that the said Government quarter i.e. Cottage No.6 was in a dilapidated condition for which the Petitioner time and again requested the Respondent Authorities to repair/renovate the Cottage No.6. However as nothing was done, on 19.07.2021, the Petitioner issued another communication to the Manager, Braille Press, Basistha stating inter alia that he was facing difficulties in staying in the said Cottage No.6 due to its deplorable and uninhabitable condition. The Petitioner also informed the Manager, Braille Press to repair/renovate the Government quarter, else he would be forced to shift to a rented house. As nothing was done, the Petitioner vacated the said Government quarter i.e. Cottage No.6 and shifted to a rented house. This aspect of the matter was duly informed to the Manager, Government Braille Press vide a communicated dated 29.10.2022. The Petitioner also requested the Manager of the Government Braille Press to provide house rent allowance that was previously deducted from his salary.

4. It is the further case of the Petitioner that he was informed by reliable sources that the Cottage No.6 would be repaired by the Respondent Authorities and would be merged with the Cottage No.5. The Petitioner was also informed that the said renovation is being carried out to accommodate the Respondent No.5 who is neither an employee of the Government Braille Press nor a physically disabled person. Under such circumstances, on 07.07.2023, the

Petitioner wrote to the Commissioner for Persons with Disabilities, Assam as well as the Director, Social Justice and Empowerment stating his concern over the entire issue and requested them to provide the repaired/renovated Government quarter to him. Upon receipt of the Petitioner's letter on 07.07.2023 itself, the Commissioner for Persons with Disabilities, Assam wrote to the Director, Social Justice and Empowerment, Assam requesting him to take action in view of Section 20(2) of the Rights of Persons with Disabilities Act, 2016. However, nothing was done for which the Petitioner again submitted a representation on 27.07.2023 to the Director of Social Justice and Empowerment, Assam. The Petitioner further made an application to the SPIO, Directorate of Social Justice and Empowerment, Assam in relation to the renovation of the Government quarters. The said application was replied to by the SPIO, Directorate of Social Justice and Empowerment, Assam vide a communication dated 05.08.2023 wherein it was mentioned that the Directorate/Department had not taken any initiative of repairing the Government quarters as the repairing and renovations are not allowed by the Government vide Finance Department Notification No.FEB.57/2022/6 dated 07.04.2022. Although, the Petitioner received such communication from SPIO, Directorate of Social Justice and Empowerment, Assam but on the other hand, it is the case of the Petitioner that certain repairs were carried out in Cottage Nos. 5 and 6 as informed to the Petitioner and this aspect of the matter is evidenced from Annexure-L (Colly) which are the photographs of Cottage Nos. 5 and 6. It is under such circumstances, the instant writ petition has been filed seeking the reliefs as mentioned hereinabove.

5. Before further proceeding, this Court finds it relevant to observe that the relief which have been sought for i.e. a writ in the nature of certiorari to quash

the impugned decision of the Respondent Authorities to oust the Petitioner from his allotted Government quarter i.e. Cottage No.6 to accommodate the Private Respondent No.5 as well as the writ in the nature of mandamus directing the Respondent Authorities not to oust the Petitioner from his allotted Government quarter i.e. Cottage No.6 in the opinion of this Court does not survive taking into account that the Petitioner on his own volition had surrendered the quarter vide a communication dated 29.10.2022.

6. Be that as it may, this Court cannot also be unmindful of the fact that Section 20 of the Right of Persons with Disabilities Act, 2016 stipulates that every Government establishment shall provide reasonable accommodation and appropriate barrier free and conducive environment to employees with disabilities. The records of the writ petition shows that the Petitioner was issued a unique disability ID and he claims to be 100% visually impaired. Under such circumstances, it is the opinion of this Court that the Respondent Authorities more particularly, the Respondent No.2 and Respondent No.3 are required to take appropriate action in terms with Section 20(2) of the Rights of Persons with Disabilities Act, 2016. The Petitioner is therefore given the liberty to submit a representation to the Respondent No.2 stating the difficulties faced by him in residing at the rented place along with a certified copy of the instant order.

7. Upon such representation being submitted to the Respondent No.2, the said Authority is directed to duly take note of the contents of the representation as well as also the provision of Section 20(2) of the Rights of Persons with Disabilities Act, 2016 and do the needful inasmuch as a duty is cast upon the Respondent Authorities to provide a reasonable accommodation

and appropriate barrier free and conducive environment to its employees with disabilities. The same shall be done within a period of 2 (two) months from the date of submission of the representation.

8. It is further observed herein that in view of the mandate of Section 20(2) of the Rights of Persons with Disabilities Act, 2016 which casts duty and responsibility on the Government establishment, the Office Memorandum dated 07.04.2022 issued by the Principal Secretary to the Government of Assam, Finance Department shall not come in the way to provide the benefits to the Petitioner of a reasonable accommodation and appropriate barrier free and conducive environment.

9. With above observations and directions, the instant writ petition stands disposed of.

**JUDGE**

**Comparing Assistant**