

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH  
AT SRINAGAR**

...  
LPA no.41/2019

*Reserved on: 24.08.2023*

*Pronounced on: 31.08.2023*

Adil Rashid Bhat Aged 26 years S/o Abdul Rashid Bhat R/o Bondiligam  
Check, District Anantnag

..... Petitioner(s)

Through: Mr M. A. Qayoom, Advocate

**Versus**

1. State of J&K through Commissioner/Secretary to Govt. General  
Administration Department, Civil Secretariat Srinagar/Jammu
2. Commissioner/Secretary to Govt., Home Department, Civil Secretariat  
Srinagar/Jammu
3. District Development Commissioner/(Deputy Commissioner),  
Anantnag
4. Senior Superintendent of Police, Anantnag

.....Respondent(s)

Through: Mr Mubeen Wani, Dy.AG

***CORAM:***

**HON'BLE MR JUSTICE TASHI RABSTAN, JUDGE  
HON'BLE MR JUSTICE RAJESH SEKHRI, JUDGE**

**JUDGEMENT**

**Tashi Rabstan, J:**

1. This Appeal is directed against judgement and order dated 28<sup>th</sup>  
September 2022, passed by the learned Writ Court in a writ petition,  
being WP(C) no.2100/2022 titled as *Munificent Angels v. Union  
Territory of J&K and others*, and for setting-aside the same on the  
grounds tailored therein.

2. We have heard learned counsel for parties. We have gone through the writ record as also judgement impugned and considered the matter.
3. Perusal of the file reveals that writ petitioner/appellant sustained injuries during a mob disturbance incident in Anantnag Town. He is said to have lost eyesight. To this extent, a Disability Certificate has been issued by competent authority. Petitioner filed a writ petition, being SWP no.2573/2018 titled as *Aadil Rashid Bhat v. State of J&K and others*, in which he sought a direction upon respondents to offer him appointment in Government service on any suitable post as has been done in the case of similarly circumstanced persons who have suffered pellet injuries in their eyes during unrest of 2016 and provide him adequate/enhanced compensation. Learned Writ Court, however, vide Order dated 2<sup>nd</sup> November 2018 has dismissed the aforesaid writ petition. Hence this appeal.
4. According to learned counsel for writ petitioner/appellant, the learned Writ Court has not considered and appreciated the case set up by writ petitioner in its right and proper perspective. It is contended that the Government had sanctioned financial assistance under Chief Minister's Relief to 17 pellet victims who had suffered visual disabilities; besides appointments were offered to similarly circumstanced pellet victims. It is also averred that although a representation has been made by petitioner for seeking similar treatment yet the same has not been considered by respondents.

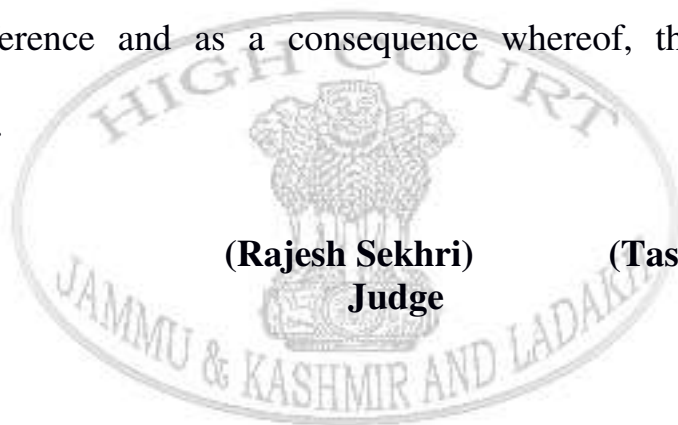
5. Perusal of the impugned judgement reveals that the Writ Court has opined that appointment against the post borne on any cadre of the J&K is made in terms of applicable recruitment rules and deviation to such rules is only an exception with reference to compassionate appointments made in terms of SRO 43 of 1994, more particularly when counsel for writ petitioner had not been able to point out any such rule or government order which would vest right in writ petitioner to claim appointment against the post borne on the service of the government. The Writ Court has also rightly said that mere taking decisions qua making appointments on extreme compassionate grounds in favour of some incumbents did not mean the Court would toe the same line by directing the Government to make appointment of writ petitioner when such power was not vested in the Court. Writ petitioner/appellant is required to come up with his self-supporting case and not on the backup of others' cases.
6. Insofar as compensation and rehabilitation as referred to by learned counsel for writ petitioner/appellant under and in terms of the Rights of Persons with Disabilities Act, 2016 is concerned, it (the Act) requires the Government to ensure persons with disabilities enjoy right to equality, life with dignity and respect for his or her integrity equally with others and take steps to utilise the capacity of persons with disabilities by providing appropriate environment. The Government, in terms of the Act, is required to provide protection from cruelty, inhuman treatment, abuse, violence and exploitation. The Government is also required to provide social security,

healthcare and provide free education to disable persons. The Act also provides for penalties for offences committed against persons with disabilities.

7. Writ petitioner/appellant, on his own showing, had approached respondents for assistance and he has been given Rs.2.00 Lacs as financial assistance.

All that is required to be given to and all that is required to be done for the disabled persons, is being undertaken and performed by respondent-State/UT under and in terms of the prevalent laws and rules. Thus, petitioner is free to approach respondents for further assistance, which is expected to be provided to him by respondents as may be available under the rules in vogue.

8. So the net result is that impugned judgement/order does not call for any interference and as a consequence whereof, this appeal is **dismissed.**



**(Rajesh Sekhri)**  
**Judge**

**(Tashi Rabstan)**  
**Judge**

**Srinagar**

31.08.2023

Ajaz Ahmad, PS

*Whether approved for reporting? Yes/No*