



CNR: KAHC010145562023

NC: 2026:KHC:46691
WP No. 6465 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO. 6465 OF 2023 (S-RES)

BETWEEN:

M/S. SASMOS HET TECHNOLOGIES LIMITED
PLOT NO.311, SY. NO. 197,
BLOCK-GA, N.P.R. COMPLEX,
HOODI VILLAGE,
K.R. PURAM HOBLI,
BENGALURU-560 048,
REPRESENTED BY ITS AUTHORIZED
REPRESENTATIVE,
MR. RAJASHEKAR RAI,
ASSOCIATE VICE PRESIDENT-HR.
REGISTERED UNDER THE COMPANIES ACT
1956/2013.

...PETITIONER

(BY SRI. PRASHANTH B.K., ADVOCATE)

AND:

1. MR. PRADEEP KUMAR. H
S/O. HANUMANARASIMHA,
9TH MAIN, 6TH CROSS,
K.S.S. LAYOUT,
BENGALURU-560 022.
2. MR. NAWAZ KHAN
ASHAT NAGAR,
NEAR KALIYAMMA TEMPLE,
BENGALURU NORTH, BENGALURU-560 007.

Digitally
signed by
SHILPABAI S
Location:
HIGH COURT
OF
KARNATAKA



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3. MR. MAHESH
S/O. DINESH K. B.,
KIRUGUNDA VILLAGE,
KIRUGUNDA POST,
MUDIGERE TALUK,
CHIKKAMANGALURU-577 132.
4. SMT. R. B. NAGARATHNAMMA
W/O. BASAPPA RANDEPALLI,
SRINIVASAPURAM TALUK,
KASHATIPALI,
KOLAR-563 135.
5. MR. K. MANJUNATH
S/O. R. KRISHNAPPA,
RESIDING AT NO. 201,
4TH CROSS, NEAR MARIYAMMA TEMPLE,
VIJAYANAGAR,
BANGALORE NORTH,
WHITEFIELD,
BENGALURU-560 066.
6. MR. TYAGARAJ. B. H.
S/O. BASAWARAJU,
NEHRU NAGAR,
KUNDGOL TALUK AND POST,
DHARWAD DISTRICT-581 113.
7. MR. SHIVAREDDY. K.
S/O. KANNUGUNDAREDDY,
MANJIVARIPALI GRAMA,
RAYALAPADU POST,
SRINIVASAPURAM TALUK,
KOLAR DISTRICT-563 134.
8. MR. SATISH. M
S/O. MURTHY,
NO.133/2, ULLERI H.A.L.,
2ND PHASE, BENGALURU NORTH,
BENGALURU-560 008.



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9. MR. HARISH. P
NO.22, GOWDA NAGAR,
HANNURU,
KOLLIGALA,
CHAMARAJANAGAR-571 439.
10. MR. D. PRASANNA KUMAR
NO.74, 5TH CROSS,
1ST MAIN ROAD,
BRINDAVAN LAYOUT,
HURAMAVU POST,
BENGALURU NORTH,
BENGALURU-560 043.
11. MR. H. N. GOPALAYA
PRESIDENT,
BENGALURU EAST INDUSTRIAL WORKERS UNION,
C.I.T.U. OFFICE,
KAMSURI BHAVAN,
BEHIND TIN FACTORY,
UDAYANAGAR,
DHURAVANNI NAGAR POST,
BENGALURU-560 016.
12. MR. NAGARAJU
KARNATAKA RAJYA ANGAVIKALARA PALAKARA
VAKKUTA (R),
SANKRANTI, NO.235,
17TH MAIN ROAD,
4TH BLOCK,
NANDINI LAYOUT,
BENGALURU-560 096.
13. THE STATE COMMISSIONER FOR PERSONS WITH
DISABILITIES
NO.55, 2ND FLOOR, ABHAYA SANKEERNA,
KARNATAKA SLUM DEVELOPMENT BOARD BUILDING,
RISALDAR STREET, SHESHADRIPURAM,
BENGALURU-560 020.

...RESPONDENTS



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(BY SMT/MISS. AVANI CHOKSHI, ADVOCATE FOR R1 TO R11
SRI. ADITYA CHATTERJEE AND
SMT/MISS AKSHITA GOYAL, ADVOCATE FOR
SMT. ANUPAMA HEBBAR, ADVOCATE FOR R12
R13 SERVED)

THIS WRIT PETITION FILED UNDER ARTICLES 226 AND
227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE
ORDER DTD 27.02.2023 PASSED BY THE STATE
COMMISSIONER FOR PERSONS WITH DISABILITIES I.E THE
R-13 HEREIN IN CASE NO.08/2021-22 ANNEX-N.

THIS PETITION, HAVING BEEN HEARD AND RESERVED
FOR ORDERS ON 24.06.2026, COMING ON FOR
PRONOUNCEMENT THIS DAY, THE COURT MADE THE
FOLLOWING:

CORAM: HON'BLE MR. JUSTICE ASHOK S.KINAGI

CAV JUDGMENT

1. The petitioner filed this writ petition to
quash the order dated 27.02.2023 passed by the
State Commissioner for persons with
disabilities i.e., respondent No.13 vide
Annexure-N.
2. Brief facts leading rise to the filing of this petition are
as follows:



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3. The respondent-workmen were appointed by the petitioner on fixed term contract basis. Respondent No.11 - Union submitted Charter of Demands dated 19.03.2021 vide Annexure-C. The petitioner suffered huge setback due to COVID-19 since many of its ongoing projects abruptly discontinued and consequently, the petitioner could not fulfil demands. Respondent No.11, aggrieved by the same, submitted a letter threatening to boycott lunch and dinner and also one day token strike dated 23.07.2021. Respondent No. 1 to 10 even though they were not members of respondent No.11, joined the protest and started indulging in deliberate slowdown of work by sitting idle in front of the machines. The petitioner was constrained to discontinue the fixed term engagement of respondent No.5-workman after all the efforts. Respondent No.11 got aggravated and reached to the stage of complete illegal stoppage of work. After



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repeated advice and counseling, the petitioner issued warning letters to the respondent-workmen. On 28.09.2021, the petitioner wrote a letter to Deputy Labour Commissioner, Region-2, Bengaluru, requesting him to advise the respondent-workmen to resume their normal work. The petitioner issued discontinuation letters to respondent Nos.1 to 4 and 6. Respondent No.11 submitted a petition before the Commissioner of persons with disabilities seeking for reinstatement of the respondents vide Annexure-H dated 08.02.2022. The Government vide its order dated 09.06.2022, referred the subject matter of dispute pertaining to legality of fixed term employees including respondents Nos.1 to 10-workmen to the Industrial Tribunal, Bengaluru for adjudication. Currently, the dispute is pending in adjudication before the Industrial Tribunal. Respondent No.13-Commissioner, without any jurisdiction or authority, had passed the order directing the petitioner to



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reinstate respondent Nos.1 to 10-workmen with all consequential benefits and to continue their employment with the petitioner. The petitioner, aggrieved by the impugned order dated 27.02.2023, filed this writ petition.

4. Respondent Nos.1 to 11 filed the statement of objections denying the averments made in the memorandum of writ petition and admitted regarding respondent Nos.1 to 10 are all persons with disabilities, who were employed in the petitioner establishment. It is contended that the instant case arises out of the illegal termination of employment of respondents Nos.1 to 10 by the petitioner establishment. Respondent Nos.1 to 10 all worked on production basis in the petitioner establishment from their respective dates of employment for between 5-7 years. Despite their disabilities, their contribution was equal to regularly abled workman and there was no loss whatsoever caused to the management



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insofar as the respondent workmen are concerned. It is submitted that the respondents performing identical work as permanent workers but not paid equally which is not a substantively equal under Article 14. Section 3(3) of the Rights of Persons with Disabilities Act, 2016 (for short, 'the Act of 2016') and section 2(h) of the Act of 2016 states that no person with disability shall be discriminated on the ground of disability and section 2(i) defines establishment which includes a government establishment and private establishment. In the month of April 2021, respondents 1 to 10 took membership of respondent No.11-Union. The petitioner took an unfair labour practice to ensure that workers left the union in violation of the right to collective bargaining and the right to associate under Article 19(1)(c) of the Constitution of India. Rule 3 of the Rights of Persons with Disabilities Rules, 2017 contemplate that in respect of discrimination on



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ground of disability, the aggrieved person may submit a complaint to the State Commissioner for Persons with Disabilities and the same would be required to be disposed. The action of the petitioner in discontinuing respondents Nos.1 to 10 is illegal. Hence, prays to dismiss this writ petition.

5. Learned counsel for respondents Nos.12 and 13 has adapted the written statements filed by respondent Nos.1 to 11.
6. Heard the arguments of the learned counsel for the petitioner, learned counsel for respondents No.1 to 11 and also learned counsel for respondent No.12.
7. Learned counsel for the petitioner submits that order passed by respondent No.13 is contrary to law and on facts of the case and has passed the impugned order without application of judicious mind and the order suffers from serious legal infirmities. The petitioner submits that the order passed by



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respondent No.13 is without the jurisdiction and the commissioner had exceeded its jurisdiction and authority. To buttress her argument, she has placed a reliance on the judgment of the Hon'ble Apex Court in the case of **State Bank of Patiala vs. Vinesh Kumar Bhasin reported in (2010) 4 SCC 368.**

8. She also submits that the provisions of the Rights of the Persons with Disabilities Act, 2016 would not remotely indicate conferring power of adjudication or determining of the rights of the parties or to function like a Court or Tribunal except for those matters provided Under Section 82 of the Act. Thus, the impugned order passed by respondent No.13 is not sustainable in the eyes of law and liable to be set aside. Hence, on these grounds, he prays to allow the writ petition.
9. *Per contra*, learned counsel for the respondents supported the impugned order directing the



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petitioner to reinstate respondent Nos.1 to 10-
workmen with all consequential benefits and to
continue their employment with the petitioner. To
buttress her arguments, they placed reliance on the
following judgments of the Hon'ble Apex Court:

- Geetaben Ratilal Patel vs District Primary Education Officer reported in (2013) 7 SCC 182.
- Jeeja Ghosh & Anr vs Union Of India & Ors reported in (2016) 7 SCC 761
- Vikash Kumar vs Union Public Service Commission reported in (2021) 5 SCC 370
- *Re: Recruitment of Visually Impaired in Judicial Services* reported in 2025 INSC 300
- *General Manager of B.E.S.T. Undertaking v. Mohammad Ramjan M. Shahaban & Anr.* reported in 2018 SCC Online Bom 912.
- Career Institute Educational Society v. Om Shree Thakurji Educational Society (2023) 16 SCC 458.
- Mukesh Kumar v. National Power Training Institute reported in 2025 SCC Online Del 2056



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- Bank of Baroda vs Susmita Sinha reported in 2019 SCC online Del 7846
- Bank of Baroda vs Susmita Saha CA 1650-1651 of 2021
- Dilbhag Singh vs Delhi Transport Corporation 2005 SCC Online Delhi 821
- State Bank of India & Ors vs S. N Goyal reported in (2008) 8 SCC 92

Hence, on these grounds, they pray to dismiss the writ petition.

10. Perused the records and considered the submissions of the learned counsel for the parties.
11. It is an undisputed fact that the Respondent No.1 to 10 were appointed by the petitioner under fixed term contract basis. The petitioner discontinued respondent Nos.1 to 10 vide Annexure-G. Respondent No.11 challenging the discontinuation of respondent Nos.1 to 10 by filling a petition before the Commissioner for the persons with disabilities under the Act of 2016 seeking for reinstatement of



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the respondents vide Annexure-H. The Government vide its order dated 09.06.2022 referred the subject matter of the dispute pertaining to the legality of the fixed term employees including respondent Nos.1 to 10. The respondents were performing identical work as permanent workers but not paid equally. The Commissioner vide impugned order allowed the petition and directed the petitioner to reinstate in service.

12. The moot question that arises for consideration in this writ petition is:

"Whether the Commissioner had the authority to pass an order directing the petitioner to reinstate the respondents in service under the provisions of the Act of 2016?"

13. The Co-ordinate Bench of this Court in the case of W.P.No.11351/2020 disposed of on 01.06.2026 had occasion to consider Whether the State



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Commissioner for Persons with Disabilities, constituted under Section 79 of the Rights of Persons with Disabilities Act, 2016, has jurisdiction and power to issue binding corrective directions against a private establishment, and whether the decisions in ***State Bank of Patiala and others vs. Vinesh Kumar Bhasin (2010) 4 SCC 368*** and the line of cases following it govern proceedings under the 2016 Act?

14. The Co-ordinate Bench has answered the said issue in para 29.33, reads as follows:

"29.33. This Court answers Point No. 10 by holding that the State Commissioner for Persons with Disabilities, constituted under Section 79 of the 2016 Act, has jurisdiction and power to issue binding corrective directions against private establishments, including directions to pay compensation. The decisions in Vinesh Kumar Bhasin's case and the line of cases following it under the 1995 Act do not govern proceedings under the



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2016 Act because of the materially expanded framework introduced by Section 82(2). All 1995 Act decisions cited by the Petitioner are distinguished on this ground. Bank of Baroda vs. Susmita Saha's (decided under the 2016 Act) and the purposive approach in BEST Undertaking are followed."

15. While recording its finding, the Co-ordinate Bench has observed that the Commissioner cannot pass orders of reinstatement as if exercising Labour Court powers, but can determine whether discrimination has occurred and direct compensatory relief. From the perusal of the judgment it is clear that the Commissioner cannot pass an order of reinstatement. The Commissioner under the impugned order passed an order of reinstatement i.e., without jurisdiction. The Commissioner is empowered to inquire into deprivation of rights and issue recommendations/directions for corrective action, but cannot issue a direction for reinstatement



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under Section 82 of the Act of 2016. Thus, the act of the respondent-Commissioner in issuing a direction for reinstatement is without jurisdiction. Respondent Nos.1 to 10 have already availed remedy provided under the Indian Dispute Act, 1947.

16. Learned counsel for the respondents relied upon the following judgments of the Hon'ble Apex Court:

(1) In the case of **GEETABEN RATILAL PATEL VS DISTRICT PRIMARY EDUCATION OFFICER** reported in (2013) 7 SCC 182, at para No.20, which reads as follows:

20. ...The power of the Commissioner "to look into the complaints with respect to the matters relating to deprivation of rights" as provided under Section 62 of the Act is not an empty formality and the Commissioner is required to apply his mind on the question



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raised by the complainant to find out the truth behind the complaint. If so necessary, the Commissioner may suo motu inquire into the matter and/or after giving notice, hearing the parties concerned and going through the records may decide the complaint. If it comes to the notice of the Commissioner that a person with disability has been deprived of his rights or that the authorities have flouted any law, rule, guideline, instruction, etc. issued by the appropriate Government or local authorities, the Commissioner is required to take up the matter with the appropriate authority to ensure restoration of rights of such disabled person and/or to implement the law, rule, guideline, instruction if not followed. A complaint may be made by any disabled person himself or any person on behalf of disabled persons or by any person in the interest of disabled persons. Thus the issue as involved is decided affirmatively in favour of the



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appellant and against the
respondent.

(2) In the case of **JEEJA GHOSH & ANR VS UNION
OF INDIA & ORS.** reported in (2016) 7 SCC 761 at
para Nos.18 and 37, which reads as follows:

18. We have already taken note of some of the international covenants and instruments guaranteeing rights to persons with disabilities. Insofar as obligation to fulfill these rights are concerned, the same is not limited to the Government or government agencies/State but even the private entities (which shall include private carriers as well) are fastened with such an obligation which they are supposed to carry out...

37. The rights that are guaranteed to differently abled persons under the 1995 Act are founded on the sound principle of human dignity



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which is the core value of human right and is treated as a significant facet of right to life and liberty. Such a right, now treated as human right of the persons who are disabled, has its roots in Article 21 of the Constitution. Jurisprudentially, three types of models for determining the content of the constitutional value of human dignity are recognised. These are: (i) Theological Models, (ii) Philosophical Models, and (iii) Constitutional Models. Legal scholars were called upon to determine the theological basis of human dignity as a constitutional value and as a constitutional right. Philosophers also came out with their views justifying human dignity as core human value. Legal understanding is influenced by theological and philosophical views, though these two are not identical. Aquinas and Kant discussed the jurisprudential aspects of human dignity based on the aforesaid philosophies. Over a period of time, human dignity has



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found its way through constitutionalism, whether written or unwritten. Even right to equality is interpreted based on the value of human dignity. Insofar as India is concerned, we are not even required to take shelter under theological or philosophical theories. We have a written Constitution which guarantees human rights that are contained in Part III with the caption "Fundamental Rights". One such right enshrined in Article 21 is right to life and liberty. Right to life is given a purposeful meaning by this Court to include right to live with dignity. It is the purposive interpretation which has been adopted by this Court to give a content of the right to human dignity as the fulfilment of the constitutional value enshrined in Article 21...



(3) In the case of **VIKASH KUMAR VS UNION PUBLIC SERVICE COMMISSION** reported in **(2021) 5 SCC 370** at para Nos.43 and 53, which reads as follows:

43. There is a critical qualitative difference between the barriers faced by persons with disabilities and other marginalized groups. In order to enable persons with disabilities to lead a life of equal dignity and worth, it is not enough to mandate that discrimination against them is impermissible. That is necessary, but not sufficient. We must equally ensure, as a society, that we provide them the additional support and facilities that are necessary for them to offset the impact of their disability.

53. While most of the obligations under the 2016 RPwD Act are cast upon the government or local authorities, the Act and rules made under it have also imposed certain obligations on the private sector. The role of the private sector in the



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market has increased manifold since the advent of liberalisation in India. The 2016 RPwD Act recognizes that with the burgeoning role of the private sector in generating employment in India, an active responsibility has to be cast upon private employers to create an inclusive workforce by providing persons with disabilities equal opportunities in the job market. However, the guarantee of equal opportunity must be accompanied by the provision of reasonable accommodation. The Rules framed under the 2016 RPwD Act stipulate that private establishments shall not discriminate against persons with disability on the ground of disability. It is to be noted that the definition of "discrimination" under Section 2(h) of the 2016 RPwD Act, includes denial of reasonable accommodation. Private employers are mandated to frame an equal opportunity policy. Equal opportunity



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policies for establishments having more than 20 employees are required to include provisions relating to: (i) appointment of liaison officers in establishments to look after the recruitment of persons with disabilities and provisions of facilities and amenities for such employees; (ii) identification of posts/vacancies for disabled persons; (iii) provision of additional facilities and benefits such as training facilities, assistive devices, barrier free accessibility...

(4) IN RE: RECRUITMENT OF PWD CANDIDATES IN
RAJASTHAN JUDICIAL SERVICES reported in **2025 INSC**
300 at para 36, which reads as follows:

36. In this context, it is also relevant to mention that the RPwD Act, 2016 today has acquired the status of a 'super statute'. The term 'super statute' was first applied in 2001 by William N. Eskridge and John A. Ferejohn to characterise an



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ordinary statute that not only reveals intention but also establishes a new normative or institutional framework in the public culture and has a broad effect on the law. As a result, such statutes have a quasi-constitutional significance that exceed its former status as a statute. In the words of the authors, "these super-statutes penetrate the public normative and institutional and institutional culture". Applying this test, it can safely be said that the RPwD Act, 2016 has acquired the status equal to that of a 'super-statute' and hence, contains the ingredients of a quasi-constitutional law.

(5) In the case of **GENERAL MANAGER OF B.E.S.T. UNDERTAKING V. MOHAMMAD RAMJAN M. SHAHABAN & ANR.** reported in 2018 SCC Online Bom 912 at para Nos.2 and 3, which reads as follows:



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2. ...The Commissioner, by his impugned order dated 18 April 2017, allowed the first Respondent's application and directed the Petitioner Undertaking to accommodate him in some other post in the organization with the same pay scale and service benefits.

3. The basis of challenge to the impugned order in the present petition is two-fold. Firstly, it is submitted that the Commissioner has no power under Section 62, whilst looking into any complaint relating to deprivation of rights of persons with disabilities, to pass a mandatory direction of the nature of the impugned order. It is submitted that all that the Commissioner can do under Section 62 of the Disabilities Act is to take up the matter with the appropriate authority, namely, in this case, the employer (i.e. the Petitioner). Secondly, it is submitted that the first Respondent's application for issue of a disability



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certificate for the purposes of claiming benefits of a person with disability has been rejected by the medical authority. Learned Counsel for the Petitioner submits that an intimation of rejection of his application for disability certificate in Form V (under Rule 4) was communicated to Respondent No.1 by the medical authority. A certificate issued by the Dean, Member Secretary and Member of Social Justice and Special Assistance Department, Public Health Department, Directorate of Medical Education and Research is referred to in this behalf by learned Counsel. It is submitted that his application for a disability certificate, thus, being rejected by the medical authority, Respondent No.1 is not entitled to be reckoned as a person with disability and the Commissioner, accordingly, has no power to enquire into his complaint.



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(6) In the case of **CAREER INSTITUTE EDUCATIONAL SOCIETY Vs. OM SHREE THAKURJI EDUCATIONAL SOCIETY** reported in **(2023) 16 SCC 458** at para Nos.6 and 7, which reads as follows:

6. The first judgment in State of Gujarat Vs. Utility Users' Welfare Assn. reported in (2018) 6 SCC 21 applies, what is called, "the inversion test" to identify what is ratio decidendi in a judgment. To test whether a particular proposition of law is to be treated as the ratio decidendi of the case, the proposition is to be inversed, i.e. to remove from the text of the judgment as if it did not exist. If the conclusion of the case would still have been the same even without examining the proposition, then it cannot be regarded as the ratio decidendi of the case.

7. In Jayant Verma Vs. Union of India reported in (2018) 4 SCC 743 this Court has referred to an earlier



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decision of this Court in Dalbir Singh vs. State of Punjab reported in (1979) 3 SCC 745 to state that it is not the findings of material facts, direct and inferential, but the statements of the principles of law applicable to the legal problems disclosed by the facts, which is the vital element in the decision and operates as a precedent. Even the conclusion does not operate as a precedent, albeit operates as res judicata. Thus, it is not everything said by a Judge when giving judgment that constitutes a precedent. The only thing in a Judge's decision binding as a legal precedent is the principle upon which the case is decided and, for this reason, it is important to analyse a decision and isolate from it the obiter dicta.

(7) In the case of **MUKESH KUMAR V. NATIONAL POWER TRAINING INSTITUTE** reported in (2025) SCC



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ONLINE DEL 2056 at para No.34 , which reads as follows:

34. If the statutory provisions contained in the 1995 Act and 2016 Act which have been extracted and discussed hereinabove are compared, what we find is that 2016 Regime provides better armory to the CCPD in its fold to ensure that recommendations made by him for taking corrective steps and measures are implemented. Under the old regime, the recommendations on consideration of any complaint or noticing any infringement or violation of rights of PwDs by the Chief Commissioner would result in a recommendation to be made to the authority concerned, however, it was not binding. Implementation of such recommendation clearly depended on the discretion of the authority concerned. The Chief Commissioner was also not vested with any



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authority to issue any injunction, mandatory or prohibitory, as held by the Supreme Court as well as by some High Courts in the judgments discussed hereinabove. However, Section 76 of the 2016 Act gives the Chief Commissioner sting and sharper teeth to ensure that recommendations made by it for taking corrective steps are implemented and necessary action thereon is taken by the authority concerned, albeit, such power available to the Chief Commissioner for implementation of its commendation is clearly circumscribed by the proviso appended to Section 76 of the 2016 Act which permits the authority not to accept the recommendation made by the Chief Commissioner provided it discloses/conveys reasons for such non-acceptance to the Chief Commissioner.



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(8) In the case of **BANK OF BARODA VS SUSMITA SAHA** reported in **(2019) SCC ONLINE DEL 7846** at para No.30, which reads as follows:

30. A Chief Commissioner under the Act functions as a quasi-judicial authority and has ample powers to decide the issues entrusted to it. The orders passed by the Chief Commissioner are not to be ignored and must be given serious and due consideration and weightage. It has to be kept in mind that the Act is a beneficial legislation and, therefore, the provisions should be interpreted and construed in a manner which advances the benefits given under the said legislation. Consequently, the powers and functions of the Commissioner would have to be given the widest amplitude possible within the four corners of the provisions of the said Act itself. The Chief Commissioner is certainly required to and is empowered to look into any



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transgression of the rights of persons with disabilities as also to examine the issue of non-implementation of laws etc., which are for the welfare and protection of rights of persons with disabilities.

(9) In the case of **BANK OF BARODA VS SUSMITA SAHA** in Civil A.No.1650-1651 of 2021 at para, which reads as follows:

6.Counsel for the respondent submitted that the basis for filing the writ petition is the order passed by the Chief Commissioner for persons with disabilities. Thus, the other issues cannot be permitted to be agitated, especially when the respondent was made to complete the course and after obtaining a loan, which is required to be reimbursed.



17. There is no dispute in regard to proposition laid down in the decision relied upon by the learned counsel for respondent Nos.1 to 10. I have perused the decision relied upon by the learned counsel for respondent No.1 to 10. In none of the decisions relied upon by the learned counsel for the respondents does not indicate that the Commission has an authority to issue a direction for reinstatement. They are not applicable to the case on hand. Hence, on these ground, the impugned order insofar as directing the petitioner to reinstate respondent Nos.1 to 10 is liable to be set aside.

18. Accordingly, I proceed to pass the following:

ORDER

- i. The Writ Petitioner is ***allowed in part.***
- ii. The impugned order insofar as directing the petitioner to



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reinstate respondent Nos.1 to 10 is hereby ***quashed***.

- iii. The rest of the impugned order passed by the Commissioner is maintained.
- iv. Liberty is reserved to respondent Nos.1 to 10 to agitate their grievance before the appropriate authority.
- v. All contentions of respondent Nos.1 to 11 are kept open.
- vi. Pending application/s, if any, shall stand disposed of.

**Sd/-
(ASHOK S.KINAGI)
JUDGE**

SSB(online)
List No.: 1 Sl No.: 1