

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.3799 OF 2014

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.G.L.Deshpande, advocate for the petitioner.
 Mr.K.G.Patil, Addl. Govt.Pleader for the State.
 Mr.V.R.Sonwalkar, advocate for Respondent No.3.

**CORAM : S.V.GANGAPURWALA &
 V.L.ACHLIYA, JJ.**
Date : 07.01.2015.

PER COURT :

1. Heard.
2. The grievance of the petitioner is that reservation for physically disabled person is not provided in the advertisement dated 29.7.2013, so also advertisement dated 28.2.2014. A note is given in the advertisement that separate requisition would be sent for the post which is reserved for physically disabled category.
3. The affidavit-in-reply filed by MPSC and the affidavit-in-reply filed on behalf of the Social Welfare Department run counter to each other. In the affidavit filed by the Regional Deputy Commissioner, Social Welfare Department, it is stated that the Government has issued necessary instructions vide various

Circulars, Notifications etc. about the computation of backlog of disabled, computation of the post as per 3% reservation, publication of advertisement, to the concerned recruiting authorities for the recruitment of disabled in the public employment. So also that the Government has adopted identification of posts carried out by the Central Government vide Government Resolution dated 17.3.2011, whereas affidavit filed by the MPSC states that the Government had informed that a separate requisition would be sent and further that the Government of Maharashtra has not specified the class of physically disabled category (i.e. Locomotor Disability or Hearing Handicapped or Blindness/Low vision) as provided U/s 32 and 33 of the Persons with disabilities (Equal Opportunities, Protection of Rights and Full Participation), Act 1995 and therefore, the Commission was not able to publish the advertisement for the said post.

4. It appears that there is no coordination between the two Departments of the Government. The Respondents are bound to adhere to the mandate laid down under the Disability Act, 1995 and as has been further stated in the impugned advertisement that separate requisition would be sent for advertisement for the post of disabled category. The Respondents shall complete the said exercise of issuing advertisement for filling in the post of physically disabled category as per the reservation laid down and

W.P.No.3799/14

mandated by the Disability Act, preferably within three months.

5. The Writ Petition is disposed of. No costs.

(V . L . ACHLIYA, J .)

(S . V . GANGAPURWALA, J .)

Dt..07.01.2015.
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