

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Civil Writ Petition No. 11797 of 2015

DATE OF DECISION : July 13, 2015

Dr. Maninder Singh

..... PETITIONER(S)

VERSUS

State of Punjab & ors.

.... RESPONDENT(S)

CORAM : HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Anupam Bhardwaj, Advocate, for the petitioner.

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- 1. Whether Reporters of local newspapers may be allowed to see the judgment? YES/NO**
- 2. To be referred to the Reporter or not? YES/NO**
- 3. Whether the judgment should be reported in the digest? YES/NO**

...

ARUN PALLI, J. (Oral)

A writ in the nature of mandamus is prayed for, so as to direct the respondents to consider the claim of the petitioner for promotion to the post of Assistant Professor by affording him the benefit of 3% reservation under the Physically Handicapped category.

Petitioner purports to suffer from physical disability

and applied for the post of Assistant Professor, in the wake of the judgment rendered by this Court in CWP-11467-2010, decided on 06.09.2010 (Annexure P-2) and the circular dated 14.12.2011 (Annexure P-3). He submitted his claim for consideration on 06.06.2013 in the Department of Medicine, through proper channel, under Handicapped category. He was issued No Objection Certificate on 19.09.2013 (Annexure P-5). In the Departmental Promotion Committee's meeting held on 06.06.2014, there were 29 doctors, who were within the zone of consideration and the name of the petitioner was reflected at Serial No.28, and he was the only candidate in the Handicapped category. So much so, the Departmental Promotion Committee recorded in paragraph-6 of its proceedings that for the post of Assistant Professor, in the stream of Medicine, there were 12 vacancies and out of which the vacancy at Serial No.11 was reserved for a candidate in the Handicapped category. However, the department has been in communication with the Social Welfare department as regards the reservation to be given to the Handicapped category, therefore, the same was being filled out of the general category. Meaning thereby, claim of the petitioner was ignored by the Departmental Promotion Committee, though he was the only candidate available in the Handicapped category. It is maintained that in the wake of the decision rendered by this Court dated 06.09.2010 (Annexure P-2) and the circular dated 14.12.2011 (Annexure P-3), 3% reservation is to be provided for physically challenged employees in promotion as well. Thus, the reason assigned to

ignore the claim of the petitioner was wholly misconceived.

That being so, the petitioner represented to respondent No.1 vide representation dated 30.06.2014 (Annexure P-8) and prayed that roster point No.11, that is meant for physically handicapped person, be filled by a candidate in the said category and, consequently, his claim for promotion be considered. However, though more than a year has elapsed, but the claim of the petitioner continues to await consideration of the authorities.

Learned counsel for the petitioner submits that let this petition, at this stage, be disposed of with a direction to respondent No.1 to consider and decide the representation of the petitioner (Annexure P-8), within a specified time.

That being so, and without expressing any opinion on merits, this petition is disposed of with a direction to respondent No.1 to consider and decide the claim of the petitioner, as set out in his representation dated 30.06.2014 (Annexure P-8), strictly in accordance with law, within a period of three months from the date of receipt of certified copy of this order.

Needless to assert, a comprehensive order shall be passed, assigning reasons in support of the decision arrived at.

JULY 13, 2015
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(ARUN PALLI)
JUDGE