

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.20172 of 2016

Date of Decision:-17.10.2016

Jagjit Singh.

.....Petitioner.

Versus

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. J.S. Bhandohal, Advocate for the Petitioner.

JASWANT SINGH, J (ORAL)

Petitioner is stated to be suffering from Polio from birth and is thus a handicapped person by birth. Petitioner also claims to be belonging to the Scheduled Caste category. He was recruited as ETT Teacher on 22.10.1998 in the reserved category of Scheduled Caste. Petitioner was promoted as Head Teacher on 20.04.2015 as SC (handicapped) candidate. Concededly, Sh. Hans Raj-respondent no.5 joined as JBT/ETT teacher on 5.4.1988 as a Backward Class candidate and was promoted as Head Teacher on 16.12.2009. He suffered an accident and became a handicapped person in the year 2014.

The grievance of the petitioner is that respondent no.5 has been promoted from Head Teacher to the Block Primary Education Officer being handicapped person, although when he joined the service he did not belong to the physically handicapped category.

After hearing learned Counsel for the petitioner, no ground for interference is warranted. It is not in dispute that at the time respondent no.5 has availed the benefit of reservation as a physically handicapped person, he factually suffers from a disability and also has a valid physically handicapped category certificate. Neither it is the spirit of reservation nor it is anywhere provided that a person who suffers from disability must incur the same prior to his recruitment in the department. The reservation for the physically handicapped category is aimed at a person who may suffer the disability at any stage during service provided he fulfills the criteria of being a physically handicapped.

In view of the above, finding no merit in the present petition the same is hereby dismissed.

(JASWANT SINGH)
JUDGE

October 17, 2016
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes / No</i>
<i>Whether Reportable</i>	<i>Yes / No</i>