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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 439/2016 & C.M.NO.1749/2016 (*stay*)

ALL INDIA CONFEDERATION OF THE BLINDPetitioner

Through: Mr. Saurabh Banerjee, Advocate.

Versus

LIFE INSURANCE CORPORATION

OF INDIA & ANR

....Respondents

Through: Mr. Ravinder Sethi. Senior Advocate
with Mr. Mohinder Singh, Advocate
for R-1.

Ms. Monika Arora, CGSC for R-
2/UOI.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

10.11.2016

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1. The present writ petition has been filed as a Public Interest Litigation by a Non-Governmental Organisation engaged in working towards the empowerment and upliftment of those who are visually impaired, seeking to challenge the Advertisement dated 15.12.2015 issued by the respondent No. 1 inviting online applications from eligible candidates for appointment to the post of Assistant Administrative Officer, with the following prayer:

"I. issue a writ in the nature of mandamus or any other appropriate writ/ directions/ order to the Respondents to withdraw/ recall the impugned Advertisement and issue a fresh Advertisement by providing specific and mandatory 1% reservation for all those Visually Impaired having/ suffering from 'blindness' as defined in Section 2[b] for the vacant posts of Assistant Administrative Officer, Respondent No. 1

and for specific categories for the Persons with blindness."

2. It is alleged in the petition that the impugned Advertisement issued by the respondent No. 1 is not in conformity with the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (hereinafter referred to as "the Act") and the guidelines issued from time to time by the Department of Personnel and Training. It is also alleged that in the impugned Advertisement, respondent No. 1 having reserved 11 seats for the visually impaired has not reserved any seat for the blind and further barred the persons falling under the "blindness" category as defined under Section 2 (b) of the Act from applying despite the post being identified for the blind. It is contended that as per the guidelines issued by the Ministry of Personnel, Public Grievances and Pensions, no Ministry/Department/Establishment shall exclude any identified post from the purview of reservation at its own discretion particularly when the post has been identified.

3. We have heard learned counsel for the parties and perused the material available on record.

4. On 08.09.2016, it was represented by Sh.Ravinder Sethi, the learned Senior Counsel appearing for the respondent/Life Insurance Corporation of India that though the selection process in terms of the impugned advertisement has already been concluded, the issues raised in the petition are under consideration by the Corporation for implementation in future. To enable the learned Senior Counsel to apprise this Court the decision of the Corporation, the matter was adjourned. On the next date of hearing, an affidavit dated 17.10.2016 was filed by Smt.Nandita, Assistant Secretary, LIC of India/respondent No.1 stating that a decision has been taken by the

respondent No.1 to comply with the reservations provided for the visually impaired under the Act in all future notifications. The relevant paragraph from the said affidavit may be reproduced hereunder:

"4) That pursuant to High court order dt 03.10.2016 the Life Insurance Corporation has decided that in future in all such advertisements LIC shall also invite applications from Visually Impaired including blind candidates subject to any exemption as might be granted to corporation by the appropriate government in terms of proviso to section 33 of the PWD Act, 1995."

5. In the light of the above undertaking by the respondent No.1 to comply with the reservations provided for the visually impaired in all future notifications vide affidavit dated 17.10.2016, it appears to us that there is no further grievance left to be adjudicated upon by this Court. Hence, no further directions as sought by the petitioner need to be issued.

6. Accordingly, the writ petition is disposed of recording the undertaking of the respondent No.1 vide affidavit dated 17.10.2016.

7. Liberty is granted to the petitioner to file a fresh writ petition in case the respondent No.1 fails to comply with the statutory mandate.

CHIEF JUSTICE

SANGITA DHINGRA SEHGAL, J

NOVEMBER 10, 2016

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