

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

CWP No.19649 of 2011

Date of Decision:-27.03.2017

Jayant Garg.

.....Petitioner.

Versus

Punjab State Civil Supplies Corporation Ltd. & Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Ms. Ankita Bajaj, Advocate for
Mr. Amar Vivek, Advocate for the Petitioner.

Ms. Suman Devi Saxena, Advocate for
Ms. Deepali Puri, Advocate for respondent no.1.

Mr. Hakresh Manuja, Additional Advocate General, Punjab
for respondent no.2.

JASWANT SINGH, J.(ORAL)

The issue involved in the present case relates to the Identification of Posts to be reserved for persons suffering from disability and the said identification has been carried out by the State of Punjab. The petitioner applied against a post meant for blind persons and selection was to be made on the basis of written test which he had qualified by securing 59.44 marks and written test was the sole criteria for selection. However, the candidature of the petitioner was rejected on the ground that he is 100% blind. This action of the respondents is under challenge before this Court.

It is contended by learned Counsel for the petitioner that as per

Clause (b) of Section 32 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act 1995, the appropriate government at periodical intervals not exceeding three years is required to review and update the list of posts which can be reserved for persons with disability taking into consideration the developments in technology. It is submitted that identification was last carried out in the year 1999 and no review has been undertaken thereafter. Therefore, he has prayed that post of Assistant Manager Accounts/Deputy Manager Accounts and of Auditor can be considered/identified for visually handicapped/blind.

On 24.08.2016 State Counsel had sought time to place on record the instructions whereby the government of Punjab has adopted the notification dated 18.1.2007 issued by government of India regarding identification of posts for appointment amongst the physically handicapped category in Group-A, B, C & D services and made applicable to all Boards and Corporations including respondent no.1/PUNSUP. In compliance of the said order an additional affidavit dated 23.02.2017 along with Notification dated 18.01.2007 has been placed on record as per which it has been categorically averred that government of India has not identified the posts mentioned hereinabove as suitable for blind persons.

It is not in dispute that the aforesaid notification dated 18.1.2007 has not been either set aside or modified till date. The government always takes a conscious decision after involving all the concerned parties to come to a conclusion as to whether a particular post is best suited for a particular category of persons or not. This Court cannot be made to undertake this exercise, as it is the prerogative of the Union as well as the States to identify. In view thereof no fault can be found in the action

on part of the respondents for not issuing the petitioner appointment letter on the ground that he is 100% blind.

In view of the foregoing discussion the present writ petition is hereby dismissed.

(JASWANT SINGH)
JUDGE

March 27, 2017
Vinay

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