

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.12663 of 2015

Date of Decision:-13.01.2017.

Satbir Sharma

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Anurag Goyal, Advocate for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

P.B. BAJANTHRI, J. (Oral)

1.) In the instant writ petition, the petitioner has questioned the communication dated 15.6.2015 (Annexure P-14) by which his claim for selection to the post of Lecturer Sanskrit (School Cadre) pursuant to the recruitment notice dated 13.9.2008 has been cancelled with reference to fact that he did not fulfill the requisite disability of 40% in blind and low vision category as per the instructions dated 1.1.1999.

2.) Learned counsel for the petitioner submitted that as per the instructions dated 1.1.1999, for the purpose of fixing of the minimum degree of disability in favour of physically handicapped person for direct recruitment to Class-I to Class-IV the minimum degree of disability is 40%

and the petitioner fulfills the disability percentage as per Annexure P-3 whereas the certificate has been issued for 42% disability. Earlier the selecting authority have selected and appointed the petitioner. Now the petitioner's selection and appointment has been cancelled at the instance of another candidate who has approached this Court. During pendency of said litigation the concerned respondent sought necessary information from the petitioner relating to percentage of disability in blind and low vision category. After perusal of the certificate Annexure P-3 dated 21.11.2005, the respondents have cancelled the selection and appointment of the petitioner. Perusal of the records, it is evident that the petitioner do not fulfill the disability to the extent of 40% in blind and low vision category with reference to Annexure P-3. Therefore, the petitioner has not made out a case so as to appoint him under the blind and low vision category for the post of Lecturer Sanskrit (School Cadre) pursuant to the recruitment notice dated 13.9.2008. Thus, no infirmity is forthcoming from Annexure P-14 dated 15.6.2015.

3.) At this stage, learned counsel for the petitioner submitted that subsequent to issuance of notice by the selecting authority, the petitioner himself was subjected to medical examination wherein the authorities issued him certificate that he is suffering from 40% disability in the blind and low vision category. The said certificate cannot be taken into consideration by the selecting authority for the reasons that for the purpose of selection and appointment, cut off date is relevant as on the cut off date, Annexure P-3 was produced by the petitioner wherein the disability in the blind and low vision has been shown as 30%. Therefore, subsequent certificate obtained

by the petitioner cannot be taken into consideration.

4.) In view of the above facts and circumstances, petition stands dismissed.

(P.B. BAJANTHRI)
JUDGE

January 13, 2017.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.