

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.15613 of 2017

Date of Decision: July 19, 2017

Atma Ram and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Sunil K. Nehra, Advocate, for the petitioners.

Amol Rattan Singh, J. (Oral)

Learned counsel for the petitioners first points to the advertisement, Annexure P-1, in which it is shown that amongst the categories of Physically Handicapped candidates (Blind or Low Vision), 474 posts of Primary Teachers were advertised, which includes 346 posts as had not been filled up earlier and were continuing as a backlog of vacancies in that category.

He thereafter points to the corrigendum issued vide Annexure P-2, by which, in the physically handicapped persons category, the number of posts was divided equally between the orthopedically handicapped category, i.e. those with locomotor disabilities, and the visually handicapped category.

He submits that as a matter of fact, only 34 candidates in the visually handicapped category have been selected, against 173 posts.

He further points to the instructions of the Haryana Government dated 01.05.2012 (Annexure P-5), by which it is provided that

if a backlog of reserved category vacancies remain unfilled in a second successive year of recruitment, such backlog may be filled up by persons of another physically handicapped category, i.e. other than the one in which the vacancies remained unfilled.

The contention therefore is that as a large number of vacancies in the visually handicapped category remained unfilled even in the second selection process, and the petitioners belong to the category of persons with a locomotor disability, the unfilled vacancies of the physically handicapped category may be filled in by the petitioners who are in the merit list, at serial numbers beyond the number of posts to be filled, in the category of 'locomotor' disabled persons.

In respect of their grievance, the petitioners have made a representation, Annexure P-6, to the Director, Elementary Education, Haryana, which representation is also stated to be backed by a communication to the said Director from the Commissioner (Disabilities) in the Department of Social Justice and Empowerment, that communication being Annexure P-7.

Therefore, without making any comment at this stage on the merits of the case, except to say that prima facie at least what the petitioners contend does not sound illogical, this petition is disposed of with a direction to respondent no.2, i.e. the Director, Elementary Education, Haryana, to take a decision on the aforesaid representation (Annexure P-6) of the petitioners, by passing a speaking order within a period of 2 months from the date of receipt of a certified copy of this order, keeping in view also the

recommendation made by the Commissioner (Disabilities).

July 19, 2017	(Amol Rattan Singh)
vcgarg	Judge
Whether speaking/reasoned:	Yes
Whether reportable:	no