

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1626 of 2014

In
Civil Writ Jurisdiction Case No.7777 of 2012

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Rakesh Kumar Singh Son of Rameshwar Prasad Singh resident of mohalla
Shantipuri , P.S. Motihari, District East Champaran

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education,
Government of Bihar, Patna
2. The Director , Primary Education, Government of Bihar, Patna
3. The District Magistrate, East Champaran, Motihari
4. The District Superintendent of Education, East Champaran, Motihari
5. The Block Development Officer, Sugauli, East Champaran, Motihari
6. The Block Education Extension Officer, Sugauli, East Champaran, Motihari
7. The Panchayat Secretary Gram Panchayati Raj Fulwariya, block Sugauli,
District East Champaran.
8. The Mukhiya, Gram Panchayati Raj Fulwariya, block Sugauli, District East
Champaran
9. The Member, District Teacher Appellate Tribunal, East Champaran, Motihari.
10. Sarita Rai Wife of Aman Kumar Singh, D/O Farindra Rai resident of village-
Fulwariya- P.O. - Fulwariya, P.S. Sugauli, District - East Champaran

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Sanjeev Kumar Singh, Advocate
For the Respondent/s	:	Mr. Madhurendra Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 24-01-2018

Heard counsel for the appellant and counsel for the private
respondent.

A detailed consideration has been made by the learned Single
Judge in his order dated 16.06.2014. The issue was as to how the
benefit of reservation to a handicapped candidate is going to be



extended for appointment in this case on the post of Panchayat Teacher.

The learned Single Judge has reached a conclusion that the petitioner of the writ, who is private respondent in appeal, had to be considered in the physically handicapped category candidate amongst the female candidates.

This Court is not willing to go into all the details of what has been discussed by the learned Single Judge in coming to the conclusion but the basic essence of the whole discussion emanates from the concept of providing reservation to the category of handicapped candidates.

It is well established now that under the disabilities Act even the State of Bihar has issued certain notifications. One of them is dated 05.01.2007 and it is absolutely unambiguous that reservation under the physically handicapped category is to be provided in a horizontal manner and not vertical manner, meaning thereby that on a post, which is reserved for a particular class of people, the handicapped candidate of the same class or category of people or person will have to be considered for extending the benefit of reservation under the physically handicapped category.

The effort on the part of the present appellant is to show that since a female category candidate had already been given benefit



of reservation, therefore, additional benefit of reservation cannot flow under the physically handicapped category. The physically handicapped have to be clubbed as a class and reservation has to be extended amongst the same. If such an interpretation is given, it will amount to vertical reservation and not horizontal reservation.

If that be so, then learned Single Judge has committed no error by allowing the writ application.

We are in agreement with the decision and the judgment of the learned Single Judge dated 16.06.2014. No infirmity emerges therefrom. The appeal is dismissed with a direction upon the authorities to do the needful.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Rajesh/-

AFR/NAFR	AFR
CAV DATE	NA
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