

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21560 of 2011

=====

Bachcha Kumar Singh, S/O Gajendra Singh, R/O Village- Gopalpur, P.S.- Naya Gauwa, District- Saran

.... Petitioner/s

Versus

1. The State of Bihar
2. The Commissioner, Saran Division, Saran at Chapra
3. The District Magistrate, Saran
4. The District Superintendent of Education, Saran
5. The Sub-Divisional Officer, Sonapur, Saran
6. The Block Education Extension Officer, Sonapur, Saran
7. The Block Development Officer, Sonapur, Saran
8. The Regional Development Officer, Saran Division, Chapra
9. The Mukhiya, Gram Panchayat Raj, Gopalpur, Saran
10. The Panchayat Sevak, Gram Panchayat Raj, Gopalpur, Saran
11. Nilesh Kumar Singh, S/O Narendra Deo Singh, R/O Village- Bariyarchak, District- Saran.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Rajkumar Rajesh, Advocate

For the Respondent/s : Mr. Amit Bhushan, AC to GP-17

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 09-07-2018

Heard learned counsel for the petitioner and State.

2. The controversy in the present writ application is whether the roster point meant for mobility disabled or is for physically handicapped (blind).

3. It appears from the materials available on record that there is no adjudication on the point by any authority. From the pleading, it appears that there is claim and counter claim as to the roster point for claiming reservation against the three persons quota of physically challenged.



4. Considering the fact that there is adjudication by the competent authority in the matter, the Court is of the view that it would be appropriate that if the issue of roster is authoritatively decided by the Employment Unit with reference to the available roster point and the rule relating to the reservation of physically challenged.

5. In the totality of the facts situation, the order contained in Annexure-8 cannot sustain. It is, accordingly, quashed. The matter is remitted to the Employment Unit to examine the claim of the petitioner and decide the same with reference to roster point whether the vacancy was available for the physically challenged (blind) or physically challenged (mobility). Final decision in this regard must be taken by the respondent within a period of 60 days from the date of receipt/production of a copy of this order.

6. With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	.07.2018
Transmission Date	

