

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.26878 OF 2018

DATED :02.08.2018

Between :

Maloth Arunkumar S/o.Sri Ramakishan,
Aged 27 yrs, H.No.10-65/1, Uppari Gudem,
Sarvaram Post, Sujatha Nagar Mandal,
Bhadradri Kothagudem District-507 120

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Petitioner

And

The Singareni Collieries Company Limited,
Rep., by its Chairman & Managing Director,
Corporate Office, Red Hills, Hyderabad & others.

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Respondents



This court made the following :

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ORDER :

Heard learned counsel for the petitioner and learned Standing counsel for the respondents.

2. The Singareni Collieries Company Limited issued recruitment notification dated 27.07.2017 to fill up the post of Badali Workers, Category-I (Underground) (Men only), exclusively earmarked to be filled up by Scheduled Tribe community. The number of vacancies notified is 665. Petitioner claims to be the physically challenged person. Petitioner applied in pursuant to the notification and participated in the recruitment process. However, in this writ petition, petitioner seeks a declaration that not reserving the vacancies in the said post to the physically challenged persons is arbitrary, illegal and unconstitutional and seeks further direction to implement the rule of reservation and to consider him for appointment.

3. When the matter is taken up, learned Standing Counsel, produced orders of the Government in G.O.Rt.No.317, Energy (PR.I) dated 12.12.2005 where under the Government issued notification under Section 33 of the Persons with Disabilities (Equal Opportunities Protection of Rights and Full Participation) Act, 1995 (for short 'the Act, 1995'), exempting the Singareni Collieries from implementation of the provisions of the Act, in providing employment to the disabled persons. He would further submit that the nature of said post is to work in the underground

as such the disabled persons cannot work in the underground. Therefore, reservation cannot be granted to such persons.

4. Once exemption is granted, provisions of the Act, 1995 or new Act have no application. Further petitioner could not have availed the opportunity of participating in the selections and at this stage turn around and seek application of rule of reservation in the present recruitment and to consider him on that ground. Thus, the relief as sought for by the petitioner cannot be granted and the Writ petition is liable to be dismissed.

5. Accordingly, the Writ Petition is dismissed. Pending miscellaneous petitions, if any, shall stand closed.

2nd August, 2018
Rds

P.NAVEEN RAO,J

