

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Civil Writ Petition No.24194 of 2018
Date of Decision: September 26, 2018

Rakesh Tanwar

...Petitioner

Versus

Haryana Public Service Commission, Panchkula & another

...Respondents

**CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE AMIT RAWAL**

Present: Mr. Vijay Kumar Sheoran, Advocate
for the petitioner.

Mr. Kanwal Goyal, Advocate
for respondent No.1.

Mr. Hari Singh Grewal, OSD (Recruitment),
Punjab & Haryana High Court.

AMIT RAWAL, J.

Petitioner- a practicing Advocate and an aspirant for being appointed as Civil Judge (Junior Division) in the cadre of Haryana Civil Service (Judicial Branch) suffering from two disabilities to the extent of 51%, challenged the Corrigendum dated 27.08.2018 issued by the Haryana Public Service Commission in continuation of advertisement No.6 of 2016 published on 20.03.2017 on the ground that there is no reservation for the category to which he belonged but has been kept only for Visual Handicapped (VH), Hearing Handicapped (HH), Orthopedic Handicapped

(OH) and not with regard to two disabilities, i.e., Visual Impairment and Hard Hearing and, therefore, was not able to fill up the form online. The advertisement/corrigendum dated 27.08.2018 envisaged five posts in the category of following disabled persons:-

- “a). blindness and low vision;
- b). deaf and heard of hearing;
- c). locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy;
- d). autism, intellectual disability, specific learning disability and mental illness;
- e). multiple disabilities from amongst persons under clause (a) to (d) including deaf-blindness in the posts identified for each disabilities.”

Thus, the respondents have illegally distributed all the five reserved posts amongst VH, HH and OH categories, but avoided the disabled persons, who were falling in the categories of autism, intellectual disability, specific learning disability, mental illness and multiple disabilities from amongst persons under clause (a) to (d) including deaf-blindness in the posts identified for each disabilities. With regard to multiple disability, reliance has been laid to disability certificate (Annexure P-3) and, thus, preferred the writ petition as the last date for submission of the application was 30.09.2018.

In pursuance to the notice issued, for Haryana Public Service Commission and Punjab and Haryana High Court, Mr. Kanwal Goyal, Advocate and Mr. Hari Singh Grewal OSD (Recruitment) appeared and informed the Court that there was no bar for the petitioner to apply under

the aforementioned categories. Two posts each were kept reserved for VH and HH categories and thus, the petitioner suffering from visual impairment to the extent of 30% is not prevented to apply either under the visual category or handicapped category.

We have gone through the paper book, instructions/corrigendum and are of the view that there is no force and merit in the submissions of the learned counsel for the petitioner.

On perusal of the disability certificate (Annexure P-3), it revealed that the petitioner has 30% disability of visual impairment and 31.5% qua hearing impairment and the total percentage on combining the two disabilities, has been given to the extent of 51%. In the advertisement caused, online applications from eligible candidates for the post of Civil Judge (Junior Division) in the aforementioned cadre, had been called in the following manner:-

General/ UR	SC	BC-A	BC-B	Total	ESM	ESP	Persons with Disability
75	14	12	6	107	6 (03 for General, 01 for SC, 01 for BC-A, 01 for BC- B)	3	05 VH-2 HH-2 OH-1

Five posts have been kept reserved for the following three categories:-

- “1) Visual Handicapped (VH) (2 posts);
- 2) Hearing Handicapped (HH) (2 posts); and
- 3) Orthopedic Handicapped (OH) (1 post)”

The apprehension expressed is farfetched, for, petitioner had an option to apply under either of the two categories, i.e., VH or HH, but cannot seek reservation on account of multiple disabilities, thus, we do not

find any illegality in the corrigendum (Annexure P-1), instructions and the information provided for the candidates meant for recruitment to Subordinate Judicial Service. Accordingly, the writ petition is dismissed.

**(RAJESH BINDAL)
JUDGE**

**(AMIT RAWAL)
JUDGE**

**September 26, 2018
ramesh**

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No