

CWP-27280-2018 (O&M)

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

**CWP-27280-2018 (O&M).
Decided on: November 26, 2018.**

Mahinder Singh

.. Petitioner

VERSUS

State of Punjab and others

.. Respondents

*** * ***

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

*** * ***

**PRESENT Mr.Amrik Singh, Advocate,
for the petitioner.**

Ms.Anu Chatrath Kapoor, Addl. A.G. Punjab.

JASWANT SINGH, J. (ORAL)

The petitioner was discharged from the Indian Army on medical grounds on 31.3.2001. He was appointed as an ETT Teacher on 28.12.2006, by way of direct recruitment under the ESM category. The petitioner is stated to have acquired visual disability of more than 40% as reflected from the Disability Certificate dated 23.6.2015 (Annexure P4).

The grievance is that in spite of being eligible to be considered as visually handicap person, the petitioner is being denied promotion to the post of Head Teacher reserved for the visually

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handicapped category.

Upon notice, an affidavit dated 19.11.2018 of Mukesh Chander, DEO (Elementary Education), Sangrur, has been filed in the Court and para 4 of the same reads as under: -

“Para 4 - “That there is quota for handicapped person in recruitment and promotion upto 3%. As the petitioner submitted his handicapped certificate dated 23.6.015, by representation during the year of 2016. Therefore, the claim of the petitioner considered for the purpose of change of category from Ex-Servicemen General to handicapped category on the basis of handicapped category certificate submitted by the petitioner in light of instructions issued by Government. The category of the petitioner has been changed from Ex-Servicemen General to handicapped category. A copy of this order is annexed herewith as Annexure R1. The seniority of the petitioner has been fixed by treating the person as handicapped on roster point meant for the handicapped category in seniority list of cadre of petitioner. The claim of the petitioner will also be considered for further promotion in the handicapped category on the basis of his seniority and eligibility. Therefore, the grievances of the petitioner as raised by the petitioner has already been redressed.”

At the time of hearing today, it is stated that there is no reservation in the promotion for the ESM category, and in view of the petitioner having submitted his Disability Certificate in 2016, his claim for promotion against the roster point reserved for visually impaired would be

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considered in accordance with law as and when the roster point for such category would fall for consideration.

Disposed of as having rendered infructuous.

(JASWANT SINGH)
JUDGE

November 26, 2018.
raj arora

Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No