

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

CWP No.7305 of 2018

Date of Decision : 02.04.2018

Sandeep Kumar

.....Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. S.K.Nehra, Advocate for the petitioner.

ARUN PALLI, J. (Oral)

Notice of motion.

Mr. R.K.Doon, AAG, Haryana, present in Court, accepts notice on behalf of respondents No.1 and 2 and Mr. H.N.Mehtani, Advocate for respondent No.3. Copies furnished.

In the nature of order I propose to pass in the matter, no formal written statement(s)/counter affidavit(s), on behalf of the respondents, is indeed necessary, at this stage. Thus, with the consent of learned counsel for the parties the petition is being disposed of finally.

The petitioner has questioned the advertisement No.4/2015 dated 17.11.2015 (Annexure P-1), issued by the Haryana Public Service Commission, vide which, 16 posts of Assistant Executive Engineer (Civil) are sought to be filled. The limited grievance that the petitioner has is; that out of all the 16 posts, not even a single post, has been reserved/advertised, for the physically handicapped candidates, in violation of The Right of Persons with Disabilities Act, 2016 (for short 'the Act'). It is urged, that

under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation), Act, 1995, 3% of the posts in every establishment were required to be reserved for the persons suffering from disabilities, whereas under the 2016 Act not less than 4% of the total number of vacancies are required to be reserved for such candidates. Reliance is also placed upon the decision of the Supreme Court in Union of India and another Vs. National Federation of the Blind and others (Annexure P-4). Although, the petitioner competed for selection, in the general category, but failed to qualify for selection. However, he also claims to be belonging to the physically handicapped category, for, he suffers from 60% permanent disability. It is urged, that process of selection is yet to be concluded, thus the authorities could examine the matter from this stand point.

In response, learned counsel for the respondents submit that the claim/grievance of the petitioner shall be considered and dealt with by the respondents within a period of six weeks from today. And, appropriate orders, in accordance with law, shall be passed and communicated to the petitioner.

The petition is accordingly, disposed of, in the above terms. However, in the event, the claim/grievance of the petitioner is declined, the respondents-authority shall pass a comprehensive order assigning reasons in support thereof.

02.04.2018

Manoj Bhutani

(ARUN PALLI)
JUDGE

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