

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1083 of 2019

In
Civil Writ Jurisdiction Case No.14770 of 2019

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Niky Kumari Pandey, Daughter of Shri Chandeshar Pandey, Resident of
Village- Papaur, P.O.- Papaur, P.S.- O.P. Sarai, District- Siwan.

... .. Appellant/s

Versus

1. The Union of India through the Secretary, Human Resources Development Department, Govt. of India, New Delhi.
2. The Senior Director, National Eligibility-Cum-Entrance Test (UG) 2019, Ministry of Human Resource Development.
3. The All India Institute of Medical Science through its Secretary, New Delhi
4. The State of Bihar Through the Chairman, Bihar Combined Entrance Competitive Examination Board Under Graduate Medical Admission Counseling-2019, I.A.S. Association Building, Near Patna Airport, Patna-19.
5. The Director, Health Department, Govt. of Bihar, Patna.
6. The Principal, J.L.N.M.C. Bhagalpur.
7. The State of Bihar through Principal Secretary, Health Department, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Dr.Mankeshwar Tiwari, Adv. Mr. Dr. Anand Kumar, Adv.
For the Respondent/s	:	Mr.S.D.Yadav (AAG 9) Mrs. Shami Sinha, Adv.
For U.O.I.		Mr. S.D. Sanjay, Adsj. Mr. Prasoon Kumar, CGC Mr. Mohit Agrawal, Adv.

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**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)**

Date : 13-11-2019

The judgement impugned herein, is reproduced
in toto hereinunder:

“Having regard to the stand taken by the respondents in the counter affidavit, the Court is not inclined to grant any indulgence in the matter, as the reservation horizontally for physically handicapped is available to the candidate was locomotory disability is of lower limbs and not upper limbs.

Accordingly, the writ application is dismissed.”

Having heard learned counsel for the parties, we are in agreement with Dr. Anand Kumar that the applicability of the decisions rendered by the Apex Court, annexed as Annexures- 1 to 3 were neither adverted to nor considered by the learned single Judge.

As such, on this short ground alone we set aside the impugned order dated 29.7.2019, passed in C.W.J.C. No.14770 of 2019 (Niky Kumari Pandey Vs. The Union of India & Ors.), and remand the matter for consideration afresh in accordance with law.

The writ petition be listed before the appropriate Bench on 19.11.2019.



Learned counsel submitted that they shall cite other decisions in support of their case. Well it is open for them to do so.

Accordingly, the appeal stands disposed of.

(Sanjay Karol, CJ)

(Dinesh Kumar Singh, J)

K.C.Jha/DKS

AFR/NAFR	NAFR
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