

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**REVP NO. 171 OF 2019**

State Of Chhattisgarh Through The Secretary, Department Of Higher Education, Mahanadi Bhawan, Mantralaya, Atal Nagar, District Raipur Chhattisgarh

---- **Petitioner****Versus**

1. Ramakant Singh Chandel S/o Shri Balmiki Singh Chandel Aged About 37 Years Candidate For Hindi, R/o Village And Post Kadamath, Police Station And Tahsil Pamgarh, District Janjgir Champa, Chhattisgarh.
2. Deepika Pradhan D/o Shri Prasann Kumar Pradhan Aged About 26 Years Candidate For Hindi, R/o Village Sanjay Nagar, Post Sanjay Nagar, Panchayat Dewhra, Police Station Chachei, Tahsil And District Anuppur, Madhya Pradesh
3. Manju Baraiha D/o Shri Rajkumar Baraihar Aged About 27 Years Candidate For Political Science, R/o Ward No. 10, Kumharpara, Jarhabhata Bilaspur, Police Station Civil Lines, Tahsil And District Bilaspur Chhattisgarh
4. Swaleha Parveen D/o Shri Faheem Khan Aged About 26 Years Candidate For Political Science, R/o Talapara Bilaspur, Police Station Civil Lines, Tahsil And District Bilaspur Chhattisgarh
5. Budha Lal Sahu S/o Shri Ramadhar Sahu Aged About 34 Years Candidate For Hindi, R/o Village And Post Bhuwaneshwerpur, Police Station And Tahsil Ramanujnagar, District Surajpur Chhattisgarh
6. Chhattisgarh Public Service Commission Raipur Through The Secretary, Chhattisgarh Public Service Commission Raipur, Shankar Nagar Road Raipur, Tahsil District Raipur Chhattisgarh

... **Respondents**

For State : Mr. Chandresh Shrivastava , Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****23/09/2019**

1. The present review petition has been filed seeking review of the order dated 26.04.2019 passed by this Court in WPS No. 1137 of 2019.
2. The review has been filed seeking for clarification of the order to the extent that since the State Government has taken a decision going in for an appropriate arrangement of reservation for the person with disability in accordance with the Act and the circular of the State

Government. The State finds it difficult in granting certain extra reservation to the persons with respective category of disability. At the same time, the State would also find it difficult in granting the reservation for the same in respect of those vacancies which are to be filled up by way of backlog vacancies whether the percentage of reservation for persons with disabilities were to be calculated 6 % which subsequently was modified to 7 % which would be applicable only for the fresh vacancies which have arisen.

3. So far as the contention of the petitioner is concerned, this Court is of the opinion that these contentions may not be strong enough calling for a review of the order dated 26.04.2019. However, it is clarified here that if the State intends to go in for a fresh recruitment or a fresh arrangement of reservation what was expected by the order of this Court was that, they would ensure that reservation for the respective class of disabled persons would be protected in terms of Act Governing the Field as also the circular and the policy of the State Government with respect to grant of reservation to the disabled persons against the categorized post available for the persons with disability in the respective category. The disposal of the writ petition, would not come in the way of the State Government if it intends to grant more reservation to the disabled persons if they so decided.
4. Given the aforesaid facts, the review petition stands disposed of and the order dated 26.04.2019 stands clarified accordingly.

Sd/-

(P. Sam Koshy)
Judge