

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

**CWP-6901-2019 (O&M)**  
**Date of Decision: 02.04.2019**

Bir Davinder Singh through his mother

--Petitioner

Versus

State of Punjab & others

--Respondents

**CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.**

Present:- Mr. P.K.S. Phoolka, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. A.G., Punjab.

Mr. Sanjeev Soni, Advocate for respondent no.3.

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**TEJINDER SINGH DHINDSA.J (Oral)**

The petitioner, who is stated to be completely blind, has filed the instant petition seeking a Mandamus for directing the respondents- Municipal Corporation, Bathinda to finalize the recruitment process pertaining to 5 posts of Safai Sewak that had been advertised for blind candidates as per advertisement dated 24.10.2016 (Annexure P-2).

The entire case projected on behalf of the petitioner is that he had applied in response to the advertisement dated 24.10.2016 and in the recruitment process that ensued, name of the petitioner figured at Sr. No.7 in the order of merit. It is further contended that the candidate at Sr. No.4, Manpreet Kaur has been held to be ineligible on account of an age disqualification and as such, a vacancy has arisen which ought to be offered to the petitioner inasmuch as candidate at Sr. No.6 and higher in order of merit to the petitioner is only partially blind. Counsel argues that the petitioner being completely blind would have a prior right to occupy the vacancy on account of Manpreet Kaur having been directed to leave the post.

Having heard counsel for the petitioner at length and having perused the pleadings on record, this Court is of the considered view that no basis for interference is made out.

A recruitment process for filling up 5 posts of Safai Sewaks from amongst blind candidates had been initiated vide advertisement dated 24.10.2016. After finalization of the recruitment process, five candidates in order of merit were offered appointment including Manpreet Kaur who figured at Sr. No.4 in order of merit. All such five candidates had joined on the post. In other words, the five advertised posts stood consumed. Even though, Manpreet Kaur subsequently may have been found to be ineligible on account of an age disqualification and thereby having suffered a specific order of disqualification and having left service but the resultant vacancy in law has now to be filled up by resorting to a fresh recruitment process.

Mr. Sanjeev Soni, Advocate representing respondent no.3- Municipal Corporation, Bathinda has apprised the Court that the Model Code of Conduct is in force currently and after the process of elections is completed, the process of filling up of the vacant post would be initiated and which comprises of a number of steps i.e. resolution of the General House, sanction from Govt. regarding resolution and recruitment, formation of Sub Committee for appointment, criteria determination and appointment procedure etc. Mr. Soni further submits that the entire process of fresh recruitment of the solitary vacancy of Safai Sewak (Blind Category) would be initiated and culminated in the year 2019 itself.

In view of the above and while declining to interfere in the instant petition, it is observed that it would be open for the petitioner to respond and apply against the fresh advertisement that would now be made for filling up the post of Safai Sewak (Blind Category) subject to fulfillment of eligibility criteria as mentioned therein.

Petition is disposed of.

**(TEJINDER SINGH DHINDSA)**  
**JUDGE**

**02.04.2019**  
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Whether speaking/reasoned: Yes/No  
Whether Reportable: Yes/No