

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

**CWP-PIL-13455-2015
Date of Decision: January 24, 2019**

Rohit Goyal

...Petitioner

Versus

Union of India and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI,
CHIEF JUSTICE.**

HON'BLE MR. JUSTICE ARUN PALLI, JUDGE.

Present: Mr. Kanishk Lakhanpal, Advocate,
for the petitioner.

Mr. Amit Arora, Advocate,
for respondent No. 1.

Mr. Shireesh Gupta, Sr. DAG, Punjab,
for respondent No. 2.

ARUN PALLI, J. (ORAL)

The petitioner, who purports to have approached this Court in public interest, is a differently abled person, for, he suffers from a locomotor disability.

A writ in the nature of mandamus was prayed for commanding the respondent authorities to desist from following the prevalent method of identifying posts under the Persons with Disability (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, which has since been repealed by the Rights of Persons with Disabilities Act, 2016. For, the method in vogue and was being adhered to for identification was obsolete

and also in breach of the provisions of the Act itself and, thus, inapt to achieve the purpose for which the said enactment was promulgated. Further, a direction was prayed for to implement the process of identification as per the actual functionality required for the job, which should be evaluated and verified by scrutiny of the disability certificates issued under the Act.

Pursuant to the notices issued, the respondents had submitted their respective counter affidavits.

However, having argued the matter at length, learned counsel for the parties have reached a consensus that as the issues/concerns raised in this petition require in-depth analysis at the hands of the Experts' Body, it would rather be expedient if the matter is relegated to the Central Advisory Board (hereinafter referred as the 'Board') constituted under Section 60 of the Rights of Persons with Disabilities Act, 2016, for consideration, in the first instance. Accordingly, it is suggested by the learned counsel for the parties that as the representation furnished by the petitioner, dated 15.10.2014 (Annexure P-9) is still pending and no orders were passed thereupon owing to the pendency of this petition, the Board shall deal therewith and pass appropriate orders.

In the wake of the above, we are of the view that it would be purposeless to keep this petition pending, and accordingly we deem it appropriate to dispose of the same with a direction to the Board to examine the matter in the first instance. For, we are also of the view that even though the petitioner herein had approached this Court in public interest,

but yet there is a possibility that the persons who are identically situated and circumstanced may have a counter opinion/version or a different perspective vis-a-vis the matter in issue. Accordingly, the petition is disposed of with a direction to the Board/respondent No. 1 to consider and decide the representation dated 15.10.2014 (Annexure P-9), as indicated above, after affording an opportunity of hearing to all the stakeholders, as expeditiously as possible preferably within six months from today.

(KRISHNA MURARI) (ARUN PALLI)
CHIEF JUSTICE JUDGE

January 24, 2019

Pk Kapoor

Whether Speaking/Reasoned: YES / NO

Whether Reportable: YES / NO