

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.30629 of 2019

Date of Decision: October 22, 2019

Chander Pal

...Petitioner

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr. Anurag Goyal, Advocate,
for the petitioner.

AMIT RAWAL, J. (Oral)

Claim in the present writ petition is for quashing of the announcement dated 26.08.2019 (Annexure P-11), wherein, in pursuance to the advertisement Annexure P-1 dated 13.06.2019, various posts including the post for physically handicapped, i.e., hearing impairment of HCS (Executive Branch) were sought to be filled.

The facts, in brief, are that the petitioner had already, vide appointment letter dated 01.12.2005 (Anexure P-3), been appointed as a Labour Inspector on provisional basis and since then he had been working. The petitioner, as per the medical certificate Annexure P-5 dated 07.09.2005, is having a handicapness of hearing impairment to the extent of 42%. Since he wanted to upgrade his career, applied against the advertisement under general category and was also issued admit card Annexure P-6 under general category. Respondents declared the result and filled all the 18 posts from the general category and thereafter, vide

announcement Annexure P-11 dated 26.08.2019, rectified the mistake as they found no suitable candidate under the physically handicapped category, i.e., hearing impairment.

Mr. Anurag Goyal, learned counsel representing the petitioner submitted that the respondents ought to have adopted horizontal reservation in the process of the selection in view of the law laid down by the Division Bench of this Court in **CWP No.23185 of 2018 (Usha Dhillon Versus State of Haryana & others,** decided on 15.12.2014 (Annexure P-12) and in **CWP No.18738 of 2009 (Ajit Singh Versus State of Haryana & others),** decided on 06.09.2011 (Annexure P-13). Even if the petitioner had not applied under the reservation, he would always be a handicapped candidate and, thus, the action of keeping the post vacant is not sustainable in the eyes of law as the petitioner having fulfilled all the qualifications as available for such post.

I have heard the learned counsel for the petitioner, appraised the paper book and of the view that there is no force and merit in the submissions of the learned counsel and the writ petition is liable to be dismissed for more than one reasons:-

- 1) The writ petition is bereft of the particulars of the application form whether it enclosed copy of the medical certificate;
- 2) From the perusal of the admit card, it reveals that the petitioner had actually applied under the general category;
- 3) This Court has also been precluded from perusing the marks alleged to have been obtained in the written examination as to whether the petitioner secured the minimum required

qualification, much less of the criteria and in the absence of the particulars, the ratio in the judgments cited above with regard to the horizontal reservation cannot be taken into consideration and the reasoning assigned by the respondents in keeping one post vacant is only in view of the provisions as provided in the amended Rights of Persons with Disabilities Act, 2016.

I do not find any substance in the arguments of the learned counsel for the petitioner to issue appropriate directions to the respondents to consider the case of the petitioner under physically handicapped category. Accordingly, the writ petition stands dismissed.

October 22, 2019
ramesh

(AMIT RAWAL)
JUDGE

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