

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

148

CWP No.34034 of 2019

Date of Decision : 22.11.2019

Kavita

....Petitioner

versus

State of Haryana and others

....Respondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present: Mr. Jasbir Mor, Advocate for the petitioner.

B.S. Walia, J. (Oral)

[1] Learned counsel contends that he confines the prayer in the writ petition to the issuance of a writ of mandamus to the respondents to consider the claim of the petitioner, who is Physically Orthopaedically Handicapped – General category for selection and appointment on the post of PGT (Math), as advertised vide advertisement (Annexure P-1) Category No.10.

[2] Learned counsel contends that vide advertisement (Annexure P-1) dated 28.06.2015, applications were invited amongst others for 1427 posts of PGT (Mathematics), out of which 32 posts were reserved for Orthopaedically Handicapped Candidates. Closing date for submission of online applications were 21.09.2015, which was extended up to 12.10.2015 vide corrigendum issued by the respondents.

[3] The petitioner is a differently abled person and therefore applied as such under the Orthopaedically Handicapped - General Category. As per the advertisement, reservation for persons with disabilities was to be as per Haryana Government Instructions, contained in letter No.22/10/2013-1GS-III dated 15.07.2014 and only persons suffering from not less than 40% of

of the list of documents to be uploaded with the application form, the petitioner was required to upload the scanned copy of the PHC i.e. Physically Handicapped Certificate issued by the competent authority. The petitioner, who is Orthopaedically Handicapped was issued a Concession Certificate dated 05.12.1996, certifying her to be suffering from 55% temporary disablement.

[4] Attempts of the petitioner to upload Certificate (Annexure P-3) were unsuccessful. The last date for submission of application form was extended from 21.09.2015 to 12.10.2015. Accordingly, the petitioner, who did not possess a valid Disability Certificate in order to render her eligible for consideration at the time of submission of the online application form applied for a Disability Certificate from the competent authority. The petitioner was issued Disability Certificate (Annexure P-4/A) dated 21.10.2015, certifying her to be suffering from 40% permanent disability. The same was submitted by the petitioner along with application (Annexure P-5), addressed to the Secretary of the Education Department dated 21.11.2015 and affidavit dated 01.02.2016, praying for consideration of her claim against the category of Physically Handicapped Candidates. However, the application was not accepted and the petitioner was issued roll number for appearing in the selection test only in the General Category, whereas the petitioner claimed that she was entitled to be considered under the Orthopaedic Handicapped Category on account of suffering from 40% permanent disability. On the basis of written test and the interview, the petitioner did not make it to the selection zone in the General Category.

[5] In the circumstances, the petitioner again submitted a representation (Annexure P-12) dated 26.09.2019, praying for consideration of her candidature under the Orthopaedically Handicapped - General Category for

the post of PGT (Maths) in view of her suffering from 40% permanent disability, especially in view of the fact that 18 posts, out of the 32 reserved for the Orthopaedically Handicapped Candidates were still lying vacant, but no decision has been taken in respect thereto, till date, as also in view of the fact that the last candidate selected in the Orthopaedically Handicapped Category secured 80 marks in total, whereas the petitioner has secured more than 90 marks in the written examination alone.

[6] Learned counsel states that the petitioner would be satisfied, if the writ petition is disposed of by directing respondent Nos.2 & 3 to consider and decide the claim of the petitioner sympathetically and in accordance with law.

[7] Without commenting upon the merits of the claim made by the petitioner, the writ petition is ***disposed of*** by directing respondent Nos.2 & 3 to consider and decide the representation (Anneuxre P-12) dated 26.09.2019 sympathetically and in accordance with law, within 04 weeks from the date of receipt of certified copy of the order and take such further action pursuant to the decision, as may be warranted in the facts and circumstances of the case.

(B.S. Walia)
Judge

November 22, 2019

'Rajneesh'

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No