

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1516 of 2018

=====

Ajay Kumar Rai, son of Ayodhya Nath Rai, Resident of Vyas Nagar, A/9, P.O.
- Ashiyana Nagar, P.S. - Shastri Nagar, District - Patna.

... .. Petitioner

Versus

1. The High Court of Judicature at Patna through The Registrar General, Patna High Court.
2. The Registrar General, Patna High Court.
3. The Registrar (Administration), Patna High Court.
4. The Registrar (Establishment), Patna High Court.
5. The Registrar (Judicial), Patna High Court.
6. The Assistant Registrar (Accounts), Patna High Court.

... .. Respondents

=====

Appearance :

For the Petitioner : Mr. Dewendra Narayan Singh, Advocate
For the Respondent/s : Mr. Satyabir Bharti, Advocate

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

7 27-02-2020 Heard learned counsel for the petitioner and learned
counsel for the respondents.

Petitioner has prayed for the following reliefs:-

- (i) For declaring the provisions of Rule 9 of Part VII of the Patna High Court Officers and staff (Conditions of Service and Conduct) Rules, 1997 as being ultra-vires the provisions of Section 33 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (hereinafter referred to as the “1995 Act”) as



the same does not allow/permit the reservation in promotion to the persons with disability and to ensure their economic progress which is violative of Article 14, 16 & 21 of the Constitution of India.

(ii) For declaring the provisions of Rule 9 of the Patna High Court Rules as ultra-vires to the extent as it denies the 3% reservation in promotion to the handicapped candidates as it is contrary to and is in conflict with the law laid down in the case of Rajeev Kumar Gupta & Others versus Union of India & Others.

(iii) For issuance of writ in the nature of Mandamus directing the Respondent authority to apply the statutory provision contained in section 33 of 1995 Act dealing with the benefits of reservation to the petitioner suffering from the disability and extent three percent of reservation to him in terms.

(iv) For such other relief(s), writ(s) and direction(s) for which the petitioner may be entitled to in the facts and circumstances of the present case.

Learned counsel for the respondents points out that the petition needs to be amended in view of the enactment of the Rights of Persons with Disabilities Act, 2016.

At this stage, learned counsel for the petitioner seeks



liberty to withdraw the present petition, enabling the petitioner to approach the employer for venting out the surviving grievances.

Liberty granted.

The instant petition stands disposed of as withdrawn with the liberty aforesaid.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajeev Kumar/-

U			
---	--	--	--

