

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-11566-2017

Date of decision: 22.01.2020

Ashok Kumar

...Petitioner(s)

V/s.

State of Haryana and another

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. Vivek Khatri, Advocate
for the petitioner.

Mr. Harish Nain, AAG, Haryana.

RITU BAHRI, J. (Oral).

The petitioner had participated in the selection process of the post of Patwari under the physically handicapped category (PHC OH) pursuant to advertisement dated 10.07.2015 (Annexure P-2). As per advertisement, 15 posts were reserved only for physically handicapped category and not for persons with disabilities suffering from blindness or low vision, hearing impairment and locomotor disability or cerebral palsy. Pursuant to order dated 24.05.2017, petitioner was permitted to participate in the process of scrutiny of documents and interview.

The grievance of the petitioner was that as per advertisement dated 10.07.2015 (Annexure P-2), 15 posts were reserved only for physically handicapped ortho category. However, the petitioner is suffering from hearing impairment.

Vide order dated 29.08.2018, direction was given to the Secretary Department of Land Records, Haryana Civil Secretariat,

Chandigarh to file an affidavit as to how 15 posts have been allotted under orthopedic handicapped category and further to give details of the Patwaris who have been appointed under the category of hearing impairment and blindness or no vision.

In compliance of order dated 29.08.2018, affidavit dated 20.09.2018 has been filed by the Director, Land Records, Haryana alongwith annexures. The respondents have placed on record letter dated 31.10.2011 (Annexure R-1) sent by the Director, Land Records, Haryana seeking reservation of physically handicapped persons in the category of only orthopedically handicapped persons keeping in view work and duties of Patwari. It is further referred in this letter para 3.14 of Haryana Land Records Manual, the duties of Patwari and further stated that the work of Patwari cannot be done by deaf and dumb or by the blind candidates. Pursuant to this letter, permission was granted vide letter dated 18.11.2011 (Annexure R-II) that the Government had agreed with the proposal to fill up all the 3% posts from orthopedically handicapped category. Thereafter request was sent to Haryana Staff Selection Commission on 18.06.2015 to reserve 3% posts from orthopedically category. This explanation given in the affidavit is as per Section 47 (2) of The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 which reads as under:-

“No promotion shall be denied to a person merely on the ground of his disability. Provided that the appropriate Government may, having regard to type of work carried on in any establishment, by notification and subject to such conditions, if any as may be specified in such notification, exempt any establishment from provisions of this Section.”

In the present case, the petitioner is suffering from hearing impairment and keeping in view the above provision, he cannot be considered for appointment to the post of Patwari.

Dismissed.

(RITU BAHRI)
JUDGE

22.01.2020
Divyanshi

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