

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9119 of 2019

National Federation of the Blind, Bihar Branch, A Reg. Organization under Societies Registration Act through its Convener Dr. Vinay Kumar, S/o Late Devendra Prasad, resident of Village + P.O.- Karara, P.S. Ghoshwari, District-Patna, Having its registered office at Office No. 402, Mukama House, Janak Kishore Road, Kadam Kuan, Patna, Bihar.

..... Petitioner/s

Versus

1. The State of Bihar, through its Chief Secretary, Department of Services having its office at Main Secretariat, Patna.
2. Secretary, Department of Personnel & Training, Govt. of Bihar, having its office at Secretariat, Patna.
3. Secretary, Department of Social Justice & Empowerment, Govt. of Bihar, having its office at Secretariat, Patna.
4. Divyang Jan Sashaktikaran Directorate Through its Director having its office at Secretariat, Patna

..... Respondent/s

Appearance :

For the Petitioner/s	:	Mr. S. K. Rungata, Senior Advocate
		Mr. Daya Shanker Prasad, Advocate
		Mr. Ganesh Prasad Verma, Advocate
		Ms. Sugandha Prasad, Advocate
		Mr. Pramod Rajpati, Advocate
		Ms. Durga Kumari, Advocate
		Mr. Amar Prakash, Advocate
		Mr. Bhawesh Srivastava, Advocate
For the Respondent/s	:	Mr. Lalit Kishore, Advocate General
		Ms. Shilpa Singh, G.A. 12
		Mr. Ashok Kumar Garg, Advocate
		Mr. Prabhat Kumar Verma, AAG-3

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR



ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

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(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

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Date: 03-06-2021

Petitioner has prayed for the following relief(s): -

“A. issuance of a writ of certiorari or any other appropriate writ order or direction thereby calling for the records relating to the maintenance of roster for giving effect to 3% reservation for persons with disabilities in terms of section 33 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 read with directions of Hon'ble Apex Court in judgment dt. 8.10.13 in Civil Appeal No. 9096/2013 upto March, 2017 and thereafter in terms of Section 34 of Rights of Persons with Disabilities Act 2016 read with Rule 11 of Rights of Persons with Disabilities Rules 2017 including 1% for persons suffering from blindness and low vision by all Govt. Departments at least beginning from 1996, examine the same and quash all such recruitments to the extent of 3% upto March, 2017 and thereafter 4% from April 2017 till date if provision of reservation in terms of Section 33 of the old Act and Section 34 of the said new Act R.W.R. 11 of the said Rules have not been followed.



B. Issuance of a writ of mandamus or any other appropriate writ order or direction thereby directing the Respondents to work out the vacancies which ought to have been reserved for each of the category of persons with disabilities in terms of Section 33 of the said old Act upto March, 2017 and thereafter in terms of Section 34 of said new Act from April, 2017 till date in a time bound manner in terms of the directions of Hon'ble Apex Court as contained in judgment dt. 8.10.13 passed in Civil Appeal No. 9096/2013 and undertake a special recruitment drive for filling up the backlog of vacancies so worked out for each category of disability including blind and low vision separately in compliance of the directions of Hon'ble Apex Court in the said case.

C. Issuance of a writ of mandamus or any other appropriate writ order or direction thereby directing the Respondent No. 2 to monitor the implementation of scheme of reservation for persons with disabilities in the same manner as is done by it in the case of SC, ST & OBC.

D. Issuance of a writ of prohibition or any other appropriate writ order or direction thereby restraining the respondents from undertaking any recruitment in future without complying with the provisions of Section 34 of the RPD Act R.W.R. 11 of the RPD Rules 2017 as well as without completing the recruitment process against backlog reserved vacancies for persons with disabilities in general and blind and low vision in particular in accordance with the directions contained in the judgment dt. 8.10.13 in Civil Appeal No. 9096/2013.



2. After the matter was heard for some time, Sri S. K. Rungata, under instructions from the petitioner, states that this petition can be disposed of with a direction to the State to consider the petitioner's case, independent of the respective stands taken in these proceedings. Further, the petition be treated as a representation to be considered expeditiously and preferably within a period of four months.

3. Learned Advocate General fairly states that the petitioner's case shall be considered in accordance with law and as desired by them, within a period of four months.

4. We only hope and expect that the State shall take a decision at the earliest and certainly within the aforesaid period. Needless to add, such decision shall be taken as per law and if required by affording opportunity of placing additional material by the parties. The decision taken shall be communicated to all concerned, including the petitioner.

5. Petition is disposed of in the aforesaid terms, also reserving liberty to the petitioner or any one of the aggrieved parties to independently approach the Court on the very same and subsequent cause of action, if the need so arises.

6. Interlocutory Application(s), if any, shall stand disposed of.



7. We appreciate the efforts put in by Sri Lalit Kishore, learned Advocate General, Sri S. K. Rungata, learned Senior Counsel, Sri Surendra Kumar Singh, learned Counsel for the petitioner and Ms. Sugandha, learned counsel for the petitioner in arriving at a just decision.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	03.06.2021
Transmission Date	

