

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16270 of 2021

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Satish Kumar Sharma, S/o Late Vinay Sharma Vill and P.O.- Sadaya Bigha,
P.S.- Barhiya, District- Lakhisarai, Bihar- 811302, and present address- 606,
Tara Tower, Shashtri Nagar, Patna- 800023.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna- 800015.
2. The Principal Secretary, General Administration Department, Government of Bihar, Old Secretariat, Patna- 800015.
3. The Additional Chief Secretary, Social Welfare Department, Government of Bihar, Old Secretariat, Patna- 800015.
4. The Director, Divyangjan Shashkatikaran Directorate, Social Welfare Department, Government of Bihar, Old Secretariat, Patna- 800015.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Singh, Advocate
For the Respondent/s	:	Mr. P. K. Verma, AAG-3
		Mr. Sanjay Kumar Ghosarvey, AC to AAG-3

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE A. M. BADAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 26-10-2021

Heard learned counsel for the parties.

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

“1(i) For issuance of appropriate writ, orders or directions to the Respondent No.2, the Principal Secretary, General Administration Department, Government of Bihar to comply the Provisions of reservations in promotions for Persons with Disabilities (hereinafter referred to as PWD) and provide the reservation in promotion



since 05.01.2007 as this provision is mandatory in the resolution No. 62, dated 05.01.2007, issued by Personnel and Administrative Reform Department, Government of Bihar, Currently under General Administration Department, Government of Bihar.

(ii) For the issuance of appropriate writ, orders or directions to the Respondent No. 2 & 3 to produce the list of documents of recruitment in all types of services and posts through direct/promotions and all the initiatives taken by the departments to accommodate the PWD against the vacancy posts arising out as mandated in resolution No. 13062 dated 12.10.2017 and 962 dated 22.01.2021, issued by the General Administration Department, Government of Bihar.

(iii) For issuance of appropriate writ, orders or directions to Respondent Nos. 1, 2, 3 and 4 to produce the data of recruitment/promotions of PWD in vacancy arising in higher grade/posts in the all departments of the Government of Bihar.

(iv) For issuance of appropriate writ, orders or directions to Respondent No.1, to take action against Respondent No.2, who did not comply the order of the Apex Court passed in Civil Appeal 5389 of 2016, and Civil Appeal No. 59 of 2021 with respect to 4% reservation for Physically handicapped persons in Government services.

(v) For issuance of appropriate writ,



orders or directions to Respondent No. 1 and 2 to follow the patterns of the Central Government after in view of the order of the Apex Court in similar matter since 2016 to provide reservations in Promotions to PWD in all level of services as applicable in the order of the Apex court.

(vi) Any other relief or reliefs which may be deemed fit and proper by the Hon'ble Court in the facts and circumstances of the case.”

From the affidavit dated 4th of October, 2021 filed on behalf of the Principal Secretary, General Administration Department, Government of Bihar, Old Secretariat, Patna [Respondent No. 2], it is clear that now, more so in view of the decision rendered by Hon'ble the Apex Court, the Government is seriously dealing with the issue of providing reservation in accordance with law under the provisions of the Rights of Persons with Disabilities Act, 2016.

The relevant portion of the affidavit is extracted as under:-

“9. That however, it has come to the notice of this respondent from the news paper (Hindustan Hindi Edition) dated 29.09.2021, that the Hon'ble Apex Court being pleased have passed judgment and an order seems to be delivered on 28.09.2021 that reservation in promotion to the



person with disability should be granted.

10. That it is further most humbly and respectfully submitted that on the receipt of the aforesaid judgment and order of the Hon'ble Apex Court, the respondent will act in accordance with the decision taken by the Government of India. Because of this fact the respondent state has made provisions in the State in accordance with the policy of the Central Government.

11. That therefore, the Hon'ble High Court is prayed to graciously be pleased to Consider the instant Counter affidavit in prevailing Circumstances of the Case as mentioned here in above.”

Learned counsel for the petitioner states that petitioner shall be content if a direction is issued to expedite the process and complete the same within a time bound period.

As such, we dispose of the present petition in the following terms:-

(a) Since all, including the Government, are duty bound to implement the orders passed by the Hon'ble Supreme Court, more so in the light of Article 142 of the Constitution of India, it is expected of the Government to expedite the process and complete the same, expeditiously, and in accordance with law;



(b) We hope and expect, such process shall be completed within the time frame fixed by the Hon'ble Supreme Court, and unless otherwise stipulated, positively within a period of one year from today.

The instant petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(A. M. Badar, J)

P.K.P./Amrendra

AFR/NAFR	
CAV DATE	
Uploading Date	27.10.2021
Transmission Date	

