

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 477 of 2021**

Pradeep Kumar Rathore S/o Umend Ram Rathore, Aged About 30 Years R/o Near Police Station Baradwar, District Janjgir Champa, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, School Education Department, New Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur, Chhattisgarh
2. Director, Public Education, First Floor, Indrawati Bhawan, Naya Raipur, Atal Nagar, Raipur, Chhattisgarh
3. Chhattisgarh Professional Examination Board, CGVYAPAM, Vyapam Bhawan, North Block Sector 19, Atal Nagar, Raipur 492001

---- Respondents

For Petitioner	:	Mr. Sushobhit Singh, Advocate
For State	:	Mr. Sudeep Verma, Dy. G.A.
For Respondent no.3	:	Dr. Saurabh Kumar Pandey, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****10.02.2021**

1. The challenge in the present writ petition is the rejection of the candidature of the petitioner for the post of Lecturer (Mathematics) against the disability quota.
2. The contention of the counsel for the petitioner is that the petitioner is a person who was initially affected with Leprosy and subsequently has cured and as of now the petitioner is considered as leprosy affected and cured candidate. The said category of candidates are considered

to be the persons with disability which falls under the category of locomotor disability. The petitioner though had cleared the selection process but in the course of verification of documents, he was not considered for the said post on account of the certificate not being specific so far as the petitioner's suffering from locomotor disability is concerned.

3. Perusal of the record would show that there are two medical certificates issued to the petitioner. One has been issued by the government doctor at the district hospital, Janjgir and the second has been issued by the Medical Authority, district Janjgir-Champa. The two documents issued by the medical authorities, District Jangir-Champa do not disclose firstly the percentage of disability and also do not disclose the part of the body which seems to be affected. On the other hand, it appears that subsequent to the treatment, the petitioner seems to have got cured from the said disease and as on date he does not have any deformity or disability or at least the same is not reflected from the disability certificate or the medical certificate which the petitioner has been issued.
4. Counsel for the State at this juncture submits that in all probability the post would be filled up by a person who is more seriously affected by the disability in each of the categories which has been reserved and as such, the action on the part of the respondents cannot be said to be either malafides or arbitrary in any manner.
5. Having heard the contentions put forth on either side and on perusal of the record particularly the two medical certificates produced by the petitioner along with the writ petition, this Court is of the opinion that since the certificates are not clear and evident certifying to the extent

that the petitioner suffers from any locomotor disability, the decision declaring the petitioner ineligible claiming appointment under the disability category cannot be said to be bad and arbitrary.

6. The writ petition thus being devoid of merits deserves to be and accordingly stands dismissed.

**Sd/-
P. Sam Koshy
Judge**