

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 1800 of 2021

Prakash Khakse S/o Awdhut Khakse Aged About 43 Years R/o M. I. G. 59, Dr. Rajendra Prasad Nagar, Phasse- 2, Korba, District Korba Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Chief Secretary, Mantralaya, Naya Raipur Chhattisgarh
2. Secretary Department Of Education, Mantralaya, Naya Raipur Chhattisgarh
3. Collector Korba, District Korba Chhattisgarh
4. District Education Officer Korba, District Korba Chhattisgarh

---- Respondents

For Petitioner	:	Ms. Rajni Soren, Advocate
For State	:	Mr. Amrito Das, Additional A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

07/06/2021

1. The grievance of the petitioner in the present writ petition seems to be the non-providing of reservation in promotion for the disabled category by the respondents for District Korba in the office of the District Education Officer.
2. The petitioner herein works as a class-IV employee and is a candidate under the disabled reserved category and suffers from hearing impairment. According to the petitioner, there is no identification of the disabled persons done by the respondents in the office of the District Education Officer and unless and until the identification of the disabled persons are done, the State would find it difficult in granting promotion to the disabled persons against the quota reserved for promotion to the

persons under the disabled category in accordance with the Rights of Persons with Disabilities Act, 2016.

3. Given the said nature of dispute, this Court is of the firm view that no fruitful purpose would be served in keeping the writ petition pending. Since the Central Government has already enacted a law i.e. the Rights of Persons with Disabilities Act, 2016 and there are also the judgments of the Hon'ble Supreme Court, which provide for granting reservation to the disabled persons and which has also been accepted as a policy decision by the State Government granting reservation to the persons under the disabled category. The writ petition at this juncture can be disposed of directing the respondents No.2 & 4 ensuring the identification of the persons with disabled in the respective cadre under their office and subsequent to the identification as and when the next D.P.C. is convened for the next promotion, these persons are considered against reservation provided for the said category in terms of the aforementioned Act of 2016 and policy of the State Government in this regard.
4. Let this exercise of identification be completed within a period of 90 days from the date of receipt of the copy of this order.
5. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved