

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No.925 of 2021
Decided on : 12.11.2021**

Ashok Kumar

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: None for the petitioner.

Mr.Harish Nain, AAG, Haryana.

G.S. Sandhawalia, J. (Oral)

Prayer in the present writ petition, filed under Articles 226/227 of the Constitution of India, is for adjustment against the vacant post of handicapped category being 90% handicapped due to muscular dystrophy, which is stated to have been suffered during the last 10 years. Petitioner had also sought relief of being given additional time along with a helper for the examination for the appointment of the Arts & Craft Teachers, which was allowed vide interim order dated 21.01.2021, while also reproducing the summary of the dispute which is subject matter of the main case. Said order reads as under:

“On 14.01.2021, the following contention was noted:

“Inter alia submits that the petitioner was appointed as Art & Craft Teacher/Drawing Teacher in the General Category, vide appointment letter dated 07.05.2010 (Annexure P-1). The said selection was set aside by this Court, which has been upheld by the Apex Court. During his service period, his disability of Muscular Dystrophy has increased upto 90%, as per medical certificate (Annexure P-2). It is submitted that in view of the fact that the Apex Court has directed that the earlier process has to be carried forward and he has to give examination on 31.01.2021

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(Annexure P-4). In such circumstances, he also seeks the relief of being considered against the handicapped category and to be given additional time alongwith the helper for the said examination. Necessary representation dated 04.01.2021 (Annexure P-5) has also been made.

Notice of motion.

Mr. Pankaj Middha, Addl.A.G., Haryana accepts notice on behalf of the respondents and prays for time to seek necessary instructions.

Adjourned to 21.01.2021.”

Mr.Swaroop has put in appearance on behalf of the State and on instructions from Mr.Dikansh Goyal, LO, HSSC, submits that the consideration in the handicapped quota cannot be done as there is no seat reserved for the same and the said selection process is in continuation of the earlier process.

However, he fairly states that for the second prayer of being given a helper for writing the examination for the post of Art & Craft Teacher/Drawing Teacher, will be permitted along with the extra time, subject to the condition that the said helper shall have qualification below to what is required for the said post.

Respondents shall comply with the said undertaking.

Let reply be filed qua the first prayer, in the meantime.

List on 26.03.2021.”

In the reply filed, the stand of the respondent-Commission is that no post for Physically Handicapped Category was advertised in the advertisement No.6/2006 under Category No.22 and therefore, there can be no change of category allowed at this stage.

It is not disputed that judgment has been pronounced today in **CWP-8634-2021** titled *Ravinder Singh & others Vs. Haryana State Selection Commission & another*, upholding the process and therefore, the result is likely to be declared in pursuance of the writs being dismissed and

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interim order being vacated, upholding the said process. In case the petitioner is found successful having cleared the bench-mark and the interview, the writ petition may become infructuous. Counsel for the petitioner is also not present to assist the Court.

Accordingly, keeping in view the above, the present writ petition is disposed of, with liberty to the petitioner to press his case for being considered in the category of Physically Handicapped, if he fails to get appointment in pursuance of the final selection, in the peculiar facts and circumstances.

November 12, 2021
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No