

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

**CWP-4674-2021 (O&M)
Date of Decision:31.03.2021**

Mittul Pareek

... Petitioner

Versus

State of Haryana & another

... Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. R.S. Mamli, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

Matter has been taken up through Video Conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Petitioner was appointed as a Peon (Class IV) under the PWD Revenue and Disaster Management Department on 25.01.2019 pursuant to recommendations made by the Haryana Staff Selection Commission. Such appointment was made under the physically handicapped category-hearing impaired. At the time of appointment, petitioner had placed reliance upon a certificate at Annexure P-3 issued by the Civil Surgeon, Sirsa reflecting a 70% hearing disability.

Instant writ petition has been filed assailing an order dated 22.02.2021 passed by the Deputy Commissioner, Fatehabad (Annexure P-5) cancelling the selection and appointment of the petitioner on the ground that a fresh certificate has been received assessing the disability to be 13%.

Instant petition had come up for preliminary hearing before this Court on 01.03.2021. At that stage, submission had been advanced by

counsel that the petitioner is ready and willing to be subjected to a fresh medical examination to assess the hearing impairment disability either at PGI, Rohtak or PGI, Chandigarh.

This Court keeping in view that the petitioner had appointed on a Class IV post and had already served for a period of approximately two years, accepted the submission advanced by counsel and issued directions for the petitioner to approach Director, PGIMS, Rohtak so as to facilitate the constitution of a team of doctors to examine the petitioner and to assess the hearing disability afresh.

Placed on record is a report dated 10.03.2021 from the Medical Superintendent, Pt. B.D. Sharma, PGIMS Rohtak.

Perusal of the report would reveal that the petitioner has been examined by a team of six experts on 09.03.2021. The Constitution of such team was as follows.

Mr. Bhupinder Siwach, Speech Therapist ENT Deptt. PGIMS, Rohtak	Mr. Himanshu, Speech Therapist ENT Deptt., PGIMS, Rohtak	Dr. Ashiya Goel, Sr. Resident ENT.,Deptt PGIMS Rohtak
Dr. Jagat Singh, Professor, ENT Deptt., PGIMS, Rohtak	Dr. Vijay Kalra, Asso. Professor,ENT.,PGIMS, Rohtak	Dr. Chandni Sharma, Professor,ENT, PGIMS, Rohtak

The conclusion drawn is that the patient/petitioner has 6.88% hearing disability for both the ears.

There would be no occasion for this Court to discard such expert opinion as per report furnished by PGIMS, Rohtak dated 10.03.2021.

Clearly, petitioner in the light of such medical opinion would not be covered under the category of “persons with disability” as defined under the Persons with Disabilities (Equal opportunities, Protection of

Rights and Full Participation) Act, 1995.

In view of the above, no infirmity is found in the impugned order dated 22.02.2021 passed by the Deputy Commissioner, Fatehabad (Annexure P-5) cancelling the appointment of the petitioner.

Petition is dismissed.

31.03.2021

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |