

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6862 of 2022

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Ajay Kumar Rai, Son of Ayodhaya Nath Rai, Resident of Vyas Nagar, A/9,
P.O. Ashiyana Nagar, P.S. Shastri Nagar, District-Patna. Petitioner/s
Versus

1. The High Court of Judicature at Patna through the Registrar General, Patna High Court.
2. The Registrar General, Patna High Court
3. The Registrar (Administration), Patna High Court
4. The Registrar (Establishment), Patna High Court
5. The Registrar (Judicial), Patna High Court.
6. The Assistant Registrar (Accounts), Patna High Court

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh, Advocate
For the Respondent/s : Mr.Satyabir Bharti, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 18-05-2022 Heard learned counsel for the parties.

The petitioner has prayed for the following relief/s :-

- i. Declaring the provisions of Rule 9 of Part VII of the Patna High Court Officers and Staff (Condition of Service and Conduct) Rules, 1997 as being ultra-vires the provisions of Section 33 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (hereinafter referred to as "1995 Act") as the same does not allow/permit the reservation in promotion to the persons with disability and to ensure their economic progress which is violates the Articles 14, 16 and 21 of the Constitution of India, in view of the statutory provisions regarding giving benefits of reservation in promotions to



physically disabled persons in accordance with section 34, 20 r/w
2(y) of the Rights of the Persons with Disabilities Act, 2016.

Photocopy of Rule 9 of Part VII of
the Patna High Court Officers and
Staff (Condition of Service and
Conduct) Rules, 1997 is annexed
herewith and is marked as annexure
1 for identification forming part of
the petition.

- ii. Declaring the provisions of Rule 9 of the Patna High Court Rules as ultra-vires to the extent as it denies the 3% reservation in promotion to the handicapped candidates as it is contrary to and is in conflict with the law laid down in the case of Rajeev Kumar Gupta & Others versus Union of India and Others as well as with the law laid down in the case of The State of Kerala & Ors. Vs Leesamma Joseph reported in (2021) 9 SCC 208.
- ii. Issuance of writ in the nature of Mandamus directing the Respondent authorities to apply the statutory provision contained in section 33 of 1995 Act dealing with the benefits of reservation to the petitioner suffering from the disability and extend the benefit of 3% of reservation to him in terms.



iv. For such other relief/reliefs for which the petitioner may be found entitled to in the facts and circumstances of the present case.

Learned counsel for the petitioner seeks permission to withdraw the present petition reserving liberty to file a fresh petition for the same and subsequent cause of action.

Permission granted.

It is made clear that as and when any such petition is filed, the same shall be listed on priority.

The present petition stands disposed of as withdrawn with liberty aforesaid.

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

(Sanjay Karol, CJ)

(Satyavrat Verma, J)

Ashwini/Sujit

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