

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.8228 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 S. KUMAR**

**ORAL JUDGMENT**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date : 23-06-2022**

Heard learned counsel for the parties.

Petitioner has prayed for following reliefs:-

- i.    Declaring the provisions of Rule 10 of Part VI of the Patna High Court Officers and Staff (Recruitment, Appointment, Promotion and other conditions of service and conduct ) Rules, 2021 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.

- ii. Declaring the provisions of Rule 10 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.
- iii. 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.

After the matter was heard for some time, finding the Bench not to be in favour of the submission made by the learned counsel for the petitioner, learned counsel for the petitioner, under instructions, states that the petition, in its present form, may be permitted to be withdrawn reserving liberty to file afresh with better particulars on the same and subsequent cause of action, if so required and desired.

Prayer allowed.

Petition is disposed of as withdrawn with the liberty aforesaid.

As and when such petition is filed, registry shall process it immediately and have it listed before the appropriate Court.

Also liberty reserved to the petitioner to take recourse to such other remedies as are otherwise available in accordance with law.

Interlocutory application, if any, shall also stand disposed of.

**(Sanjay Karol, CJ)**

**( S. Kumar, J)**

Sanjay/- Ranjan

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