

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1182 of 2018

In
Civil Writ Jurisdiction Case No.12983 of 2014

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Manish Kumar, Son of Shri Ramnandan Prasad, Resident of Village-
Chanpatia, Ward NO.3, P.S.-Chanpatia, District-West Champaran.

... .. Appellant/s

Versus

1. The State Of Bihar through the Chief Secretary, Old Secretariat, Patna, Bihar.
2. The Secretary, Rural Development Department, Govt. of Bihar, Secretariat Building, Patna.
3. Shri Sanjay Krishan, Officer on Special Duty, Rural Development Department, Govt. of Bihar, Secretariat.
4. The District Magistrate, West Champaran, Bettiah.
5. The Deputy Development Commissioner, West Champaran, Bettiah.
6. The DRDA, West Champaran, Bettiah.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ranjan Kumar Singh, Advocate
For the Respondent/s : Mr. Anjani Kumar- AAG4

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

16 17-04-2023

On 15.03.2023 following order was passed:-

“Heard the matter for some time.

Perusal of the record, it is evident that reservation for Persons with Disabilities (Equal Opportunity, Protection of Rights and Participation) Act, 1995, is applicable to the case in hand. Having regard to the number of Supervisor vacancies earmarked for respective districts like West Champaran District, 32 vacancies of Supervisors have been identified. It is reliably learnt that one post is reserved



for visually impaired. For want of candidate, the same has not been filled up and it has been carried forward to next recruitment process. If the Policy of the State Government insofar as identifying with reference to district wise cadre of Supervisor, in that event, there is every possibility of it being impracticable in implementation of reservation insofar as Act, 1995 read with State of Bihar Policy at the relevant point of time is concerned.

Therefore, we are of the view that in order to give quietus to the litigation, appellant may be accommodated against one of the vacancies. If the State Government's hands are tied in accommodating the appellant, in that event, we would be compelled to proceed with the matter and examine the same on merit regarding Policy decision of the State Government that Supervisor post is a district wise cadre and reservation is required to be classified with reference to district only. If the policy of the State Government is taken note of, it appears to be highly impracticable to provide reservation to the persons in any of the district for about 30 years insofar as locomotor disability/cerebral palsy is concerned. The State being the model employer, is hereby directed to take note of social obligations read with social justice and also impracticability of extending reservation to the needy persons like locomotor disability/cerebral palsy persons. In this regard, State Counsel is hereby directed to take instruction from the State Government by next date of hearing.

Re-list this matter on 12.04.2023.

Personal appearance of Sri Balamurugan D., Secretary, Rural Development Department, Government of Bihar, who is present in the court pursuant to the earlier order dated 02.03.2023, stands dispensed with until further order."

The State Government proceeded to pass order in favour of the appellant on 08.04.2023. In the light of order dated 08.04.2023 consequential relief shall be granted to the appellant within a period of two months from the date of



receipt of this order.

Accordingly, the L.P.A. stands disposed of.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

Balmukund/
DKS/-

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