

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
NAGPUR BENCH, AT NAGPUR.**

**Writ Petition No. 1019 of 2012**

[Rajesh S/o Hardayaldas Asudani ..vs.. Rashtra Sant Tukdoji Maharaj Nagpur University, Nagpur  
through it Vice-Chancellor and ors.]

Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders

Court's or Judge's orders

Mr. A. C. Dharmadhikari, Amicus Curiae  
Mr. S. M. Ukey, Addl. G. P. for respondent 2

**CORAM : ROHIT B. DEO AND  
MRS. VRUSHALI V. JOSHI, JJ.**

**DATED : 30-3-2023**

The challenge in the petition is to the advertisement dated 30-8-2011.

2. The petitioner, who is suffering from visual disability, has raised several issues, which at the relevant time, were of significant importance.

3. However, we note that the principal challenge to the advertisement dated 30-8-2011 does not really survive in as much as it is common ground that a corrigendum was issued to the subject advertisement, and the process appears to have been taken to the logical end.

4. Learned Amicus Mr. Dharmadhikari would submit, that as on the date of filing of the petition, statutory regime was the Persons with Disabilities (Equal

Opportunity, Protection of Rights and Full Participation) Act, 1995 (Act of 1995). During the pendency of the petition, the said enactment is repealed by Section 102 of the Rights of Persons with Disabilities Act, 2016 (Act of 2016). There is a marked difference schematically. While Section 32 of the Act of 1995 left it to the Government to identify the vacancies or posts which could be filled in by persons suffering from disabilities, Section 33 of the Act of 2016 provides that a committee shall be constituted in which person from disability shall be given representation, and it is such committee which would identify the vacancies and further a periodic review, not later than three years, shall be undertaken.

5. Considering the developments, including on the legislative front, it would be appropriate to dispose of the petition, leaving the contentions open, to the extent the contentions survive. If the petitioner has any grievance as regards the implementation of the new statutory regime, the petitioner may file a structured and substantive petition in the matter.

6. We record our appreciation for the assistance provided by Amicus Mr. Dharmadhikari and the other counsel.

(Mrs. Vrushali V. Joshi, J.)

(Rohit B. Deo, J.)

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