

**203 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-17083-2012 (O&M)

Date of decision: 12.05.2023

Om Parkash

....Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR JUSTICE ANIL KSHETARPAL

Present:- Mr. G.S.Bal, Sr. Advocate with
Mr. Laxman Chaudhary, Advocate for the petitioner

Mr. R.K. Kapoor, Addl. AG, Punjab

Mr. Ravi Kumar, Advocate for
Mr. Rajbir Singh, Advocate for respondent no.3, 6, 14 to 16

Mr. S.K.Raghuvanshi, Advocate for
Mr. Vijay Lath, Advocate for respondent no.8

Mr. Bachan Singh, Advocate for
Mr. Surmukh Singh, Advocate for respondent no.13

ANIL KSHETARPAL, J (Oral)

1. The petitioner prays for issuance of a writ in the nature of Certiorari to quash the entire select list prepared pursuant to the recruitment notice dated 30.12.2006 for the post of Beldar. Under the Rights of Persons with Disabilities Act, 2016, a provision has been made for reserving the vacancies for the persons suffering from disabilities. In pursuance thereto, a recruitment notice was issued on 30.12.2006 to fill up 48 posts from amongst the persons suffering from the disabilities. The aforesaid 48 posts were divided into the following manner:-

- i) 20 posts for Blind
- ii) 20 posts for Deaf and Dumb
- iii) 8 post for Physically challenged.

2. Clause (2) and (7) of the recruitment notice read as under:-

“2. Certified copies of certificates regarding permanent place of residence, Disability Certificate issued by Civil Surgeon of District and proof of its limits may be submitted with the application. It may also be shown in the medical certificate that the applicant is fit for the post, for which he is applying.

Xxxx

7. Incomplete applications or applications received after stipulated date will be cancelled and no correspondence will be made in this connection.”

3. The petitioner supplied a certificate of disability to the extent of 90%. However, his candidature has been rejected due to the fact that it has not been specified in the medical certificate that the petitioner is fit for the job.

4. Heard the learned counsel representing the parties at length and with their able assistance perused the paperbook. Learned senior counsel representing the petitioner does not dispute that the medical certificate issued by the Board in favour of the petitioner does not contain information that the petitioner is fit for the job for which he is applying. He further submits that the petitioner who is suffering from a major physical disability, has no knowledge of the requirement, as specified in clause (2). He submits that it is merely a formality. Hence, the petitioner should not be deprived of the appointment.

5. On the other hand, the learned State counsel while contesting the petition has submitted that fulfilling the conditions as laid down in the recruitment notice is mandatory as it is considered as a sacrament.

Hence, it will not be appropriate for the Court to forgo the requirement as laid down in the recruitment notice. As per the recruitment notice, a candidate is required to file an application with all the documents on or before 31.01.2007 upto 5:00 pm. It is specifically provided that incomplete application or application received after circulated date will be cancelled. Under clause (2) of the notice, it is provided that the medical board has to certify that the petitioner is fit for the job of the Beldar. It was petitioner's responsibility to have carefully read about the requirement of the recruitment notice. Moreover, the recruitment notice was issued in the year 2007. A period of more than 15 years has elapsed.

6. In view of the aforesaid facts and discussion, no ground to issue the writ, as prayed for, is made out.

7. Hence, dismissed.

8. All the pending miscellaneous applications, if any, are also disposed of.

12.05.2023

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE