

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(220)

CM-16881-CWP-2017 in/and
CWP-24472-2017
Date of decision:- 16.01.2023

Rajinder Singh

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Ms. Meena Bansal, Advocate
for the petitioner-Legal Aid Counsel (HCLSA).

Mr. Saurabh Mohunta, DAG, Haryana.

SUVIR SEHGAL, J. (Oral)

CM-16881-CWP-2017

For the reasons given the application, it is allowed.

Certificate bearing No. HB/CS/RTK/97/168 dated 04.07.2001
issued by Office of Civil Surgeon, Rohtak is taken on record as Annexure P-
9.

CWP-24472-2017

Instant writ petition has been filed under Article 226/227 of the
Constitution of India seeking issuance of a writ in the nature of mandamus
directing respondent No. 2 to consider the application of the petitioner for
the post of Peon/Clerk/typist employee/steno English typist in view of the
recommendation of respondent No. 1.

By referring to the certificate Annexure P-9, counsel for the
petitioner submits that the petitioner suffers physical disability to the extent
of 80%. He has cleared the Senior Secondary examination and has passed
the requisite test for appointment to the post of Typist/Stenographer.

Counsel submits that he submitted an application dated 21.05.1998, Annexure P-1 for appointment in quota for differently-abled which has been duly recommended by respondent No. 1. Vide letter dated 19.12.2013, counsel submits that the petitioner was informed that no vacant post is available. Counsel submits that the petitioner filed application under Right to Information Act, 2005 and was eventually advised to apply for a job in pursuance to an advertisement issued by the State Government. Counsel submits that as legal notice dated 01.09.2017, Annexure P-8, submitted upon the respondents, has remained unattended, petitioner has been forced to approach this Court.

Upon notice, petition has been contested by the respondents by filing the response wherein it has been admitted that the application of the petitioner was forwarded by respondent No. 2 to the District Child Welfare Officer, Panchkula, but the said respondent cannot make a direct appointment at its own level.

Head counsel for the parties.

Pursuant to an interim order passed by this Court, a short reply has been filed on behalf of respondent No. 2 wherein it has been submitted that a differently-abled person is entitled to a relaxation of age at the time of appointment. It has been submitted as under:-

“ 3. That as per Rule 22 (d) of the Haryana Civil Services (General) Rules, 2016 titled as AGE FOR ENTRY IN TO GOVERNMENT SERVICES, there is an age concession of 10 years over and above the upper age limit prescribed for direct recruitment to the post and as per rules 22(a) of Haryana Civil

Services (General) Rules, 2016 upper age limit is 42 years.”

In view of the above, petitioner can avail the benefit of relaxation in age as provided in the Haryana Civil Services (General) Rules, 2016, in case he is eligible to do so, whenever he applies for any post pursuant to an advertisement issued on behalf of the respondents.

Petition is disposed of.

16.01.2023
Harish Kumar

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No