

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-22869 of 2021 (O&M)
Date of decision: 24.01.2023

Randeep Singh

..Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. B.S.Bali, Advocate, for the petitioner.
Mr. R.S.Pandher, Sr. DAG, Punjab

ANIL KSHETARPAL, J(Oral)

The petitioner prays for the issuance of a writ in the nature of certiorari to quash the result-cum-merit list issued by the State of Punjab on 4.10.2021.

The petitioner was a candidate for appointment as a Veterinary Inspector. He applied under the physically handicapped category. His candidature has been rejected on the ground that he does not fulfill the minimum requirement as prescribed in Section 2(r) of the Rights of Persons with Disability Act, 2016 (hereinafter referred to as 'the Act') which reads as under:--

2. Definitions.—*In this Act, unless the context otherwise requires,—*

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(r) “person with benchmark disability” means a person with not less than forty per cent of a specified disability where specified disability has not been defined in measurable terms and includes a person with disability where specified disability has been defined in measurable terms, as certified by the certifying authority”

As per the Disability Certificate issued by the Senior Medical Officer, Civil Hospital, Moga, (Annexure P-5), the petitioner suffers from disability to the extent of 10% only.

The learned counsel representing the petitioner contends that in the recruitment notice, the percentage of the disability was not specified though the posts were reserved in accordance with the provisions of the Act. It is not disputed that the reservation under the Act is permissible only with respect to persons suffering from disability not less than 40%.

In such circumstances, no ground to issue the writ as prayed for is made out.

Dismissed.

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

January 24, 2023
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(ANIL KSHETARPAL)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>