

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3206 of 2016

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Jwala Kumar son of Surendra Prasad Singh Resident of Village - Jamhor,
Police Station - Jamhor, District - Aurangabad.

... .. Petitioner/s

Versus

1. The Rajendra Agriculture University, Pusa, Samastipur through its Registrar
2. The Vice Chancellor, Rajendra Agricultural University, PUSA, Samastipur.
3. The Registrar, Rajendra Agricultural University, PUSA, Samastipur.
4. The In-Charge Officer Appointment, Rajendra Agriculture University,
PUSA, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vaibhav Narayan, Advocate
For the Respondent/s : Mr. Arvind Ujjwal

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL JUDGMENT

Date : 21-10-2024

Heard learned counsel for the petitioner. No one appears
on behalf of the University.

2. Learned counsel for the petitioner submits that the
instant writ application has been filed for quashing the order dated
09.07.2015 passed by the Vice-Chancellor, Rajendra Agriculture
University, PUSA, Samastipur (hereinafter referred to as the
'University') whereby he has rejected the representation filed on
behalf of the petitioner in compliance of the order dated 06.03.2014
passed in C.W.J.C. No. 23769 of 2013 for his appointment on the
post of Peon under physically handicapped category.

3. Learned counsel for the petitioner straightaway draws
the attention of the Court to Annexure-6 of the writ application i.e.
C.W.J.C. No. 23769 of 2013.



4. Learned counsel for the petitioner submits that petitioner had applied for appointment on the post of Peon under the physically handicapped category pursuant to an advertisement issued by the University but his appointment was not considered, as such, he approached this Court by filing the aforesaid writ application with a prayer for directing the authorities to appoint the petitioner on the post of Peon against the post reserved for disabled persons. The writ application i.e. C.W.J.C. No. 23769 of 2013 was disposed of by an order dated 06.03.2014. From perusal of the order dated 06.03.2014, it would manifest that on behalf of the University a specific stand was taken that as per roster of the State Government notified by the Personnel Department on 05.01.2007, categorically lays down that the disabled category of orthopaedically handicapped would be entitled for reservation against the roster point no. 68 to 100.

5. Learned counsel for the petitioner next submits that petitioner was not given appointment on the ground that being orthopaedically handicapped, he was not falling within the roster point no. 68 to 100. It is further submitted that the order dated 06.03.2024 further records that Mr. Upadhyay was of the view that since only 26 posts were filled up and if the petitioner was blind, he could have been considered under the roster point no. 1 to 33, but that cannot be done by way of mutual exchange of the roster point, inasmuch as, the present circular does not permit so.



6. Learned counsel submits that accordingly on behalf of the petitioner it was submitted in the aforesaid writ application relying on a judgment of the Hon'ble Supreme Court in the case of **Bhudev Sharma Vs. District Judge, Bulandshahr & Anr.** reported in **2008(1) SCC 233** that if there being only one person among the disabled quota, his appointment has to be made irrespective of the category whether blind, deaf or orthopaedically handicapped. It is also submitted that in fact a circular to this effect has also been issued by the Personnel Department.

7. Learned counsel submits that C.W.J.C. No. 23769 of 2013 was disposed of by order dated 06.03.2014 after taking the said submission of the learned counsel appearing on behalf of the petitioner into consideration and petitioner was given liberty to file an application before the competent authority of the University bringing to his notice the circular of the Personnel Department which envisages exchange of the roster point in the three categories of the physically handicapped on which the learned counsel for the petitioner relies, but was not brought on record in the writ application i.e. C.W.J.C. No. 23769 of 2013.

8. Learned counsel submits that in compliance of the order dated 06.03.2014, petitioner had filed an application before the Vice-Chancellor of the University and the same came to be rejected



by an order dated 09.07.2015 which is impugned in the present writ application.

9. From perusal of the order dated 09.07.2015 issued by the Vice-Chancellor, it would manifest that the same records that despite opportunity being given to the petitioner to produce the circular of the Personnel Department, Government of Bihar whereby the provision was made for making appointment by exchanging the roster of the physically handicapped category was not brought on record as such the case of the petitioner was not considered.

10. The Court does not find any merit in the writ application as the order impugned was issued after taking into consideration the fact that no such circular existed which permitted exchange of roster.

11. Accordingly, the writ application is dismissed.

(Satyavrat Verma, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	22.10.2024
Transmission Date	

