IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.17050 of 2025

Decided on: 3rd November, 2025

Suresh Kumar **.....Petitioner**

Versus

State of H.P. and another **.....Respondents**

Coram

Ms. Justice Jyotsna Rewal Dua

Whether approved for reporting?[1]

For the Petitioner: Mr. Rakesh Kumar Sharma, Advocate.

For the Respondents: Mr. Rajat Choudhry, Assistant Advocate General.

Jyotsna Rewal Dua, Judge

Notice. Mr. Rajat Choudhry, learned Assistant Advocate General, appears and waives service of notice on behalf of the respondents.

2. With the consent of learned counsel for the parties, the matter is heard at this stage.

3. This writ petition has been filed for the grant of following substantive reliefs:-

> *"(i) Issue a Writ of Certiorari by modifying the notification dated 06-07-2022 i.e. Annexure P-3 with a direction to the respondents that the 4% promotional quota for disabled person may kindly be provided from the date*

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[1] **Whether reporters of print and electronic media may be allowed to see the order? Yes.**

i.e. 30-06-2016 as has been provided by the State Government vide notification dated 27-08-2024 as well as the Government of India vide its notification dated 28-12-2023, in view of the judgment of Hon'ble Supreme Court of India i.e. Rajeev Kumar Gupta's case decided on 30-06-2016.

(ii) That in alternative the respondent department may kindly be directed to consider the representation dated 13th January, 2025 made by the petitioner to the respondents i.e. Annexure P-7 in time bound manner.

(iii) That the respondent department may kindly be directed to consider the case of the petitioner for further promotion i.e. Clerk from the back date as the petitioner was fully eligible for further promotion in the year 2016 being a 100% blind person in feeder category i.e. Supervisor and grant all the consequential benefits accidental thereof."

4. Learned counsel for the petitioner submits that the respondents have already issued an office letter on the subject matter involved in the writ petition on 27.08.2024 (Annexure P-6). Learned counsel also submits that the petitioner is 100% visually disabled. He is eligible for further promotion to the post of Clerk in terms of aforesaid office letter/instructions dated 27.08.2024, however, till date his case for promotion has not been considered despite availability of posts. Learned counsel for the petitioner further submits that the petitioner has preferred a representation in this regard to the respondents on 13.01.2025 (Annexure P-7). That the petitioner would be satisfied in case respondent No.2/competent authority is directed to decide the aforesaid representation within a

fixed time schedule. Learned Assistant Advocate General is not averse to this prayer.

5. Having regard to the afore-submissions, but without examining the merits of the matter, this writ petition is disposed of with direction to respondent No.2/ competent authority to consider and decide the aforesaid representation of the petitioner dated 13.01.2025 (Annexure P-7) in accordance with law within a period of six weeks from today. The decision so arrived at shall also be communicated to the petitioner.

The writ petition stands disposed of in the above terms, so also the pending miscellaneous application(s), if any.

Jyotsna Rewal Dua
Judge

November 03, 2025
Mukesh