

**CWP-36778-2019****IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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CWP-36778-2019**Date of decision: November 11, 2025**

Gurpreet Singh

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA**Present:- Mr. Alok Mittal, Advocate and
Mr. Sylvester, Advocate for the petitioner.****Mr. Nirmal Singh Heera, DAG, Punjab.**

DEEPINDER SINGH NALWA, J.

In the present writ petition, the petitioner has challenged the order dated 03.07.2017 (Annexure P-12) passed by respondent no.3-Director, Public Instructions (Secondary Education), Punjab, whereby, the claim of the petitioner for appointment to the post of Peon (Headquarter & Field) along with consequential benefits has been denied.

The brief facts of the case are that the petitioner belongs to the OBC Category and was diagnosed with mild mental disability of 69% by

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PGIMER, Chandigarh. An advertisement was issued on 07.01.2016 (Annexure P-4) by respondent no.2 inviting applications to fill up the backlog of posts in Group C and Group D lying vacant in various Departments of the State and Corporations for physically handicapped categories. Three posts of Peon under the above said category were reserved for Headquarter. In pursuance to the above said advertisement, the petitioner being person with disability (mentally handicapped) applied for appointment to the post of Peon (Headquarter) and Peon (Field). However, the case of the petitioner was not considered. As a consequence of this, the petitioner filed a Civil Writ Petition in this Court being CWP No.2898 of 2017, wherein, it was prayed by the petitioner that the respondent-Department be directed to consider the case of the petitioner for appointment to the post of Peon (Headquarter and Field). The above said writ petition was disposed of by this Court vide order dated 15.2.2017 (Annexure P-8), with a liberty to the petitioner to file a fresh representation within a period of two weeks and the same be decided by the respondent-Department within a period of two months thereafter. In pursuance to the order dated 15.2.2017 (Annexure P-8), petitioner submitted a representation dated 22.2.2017 (Annexure P-9). However, no decision was taken by the respondent-Department on the above said representation. Thereafter, petitioner filed a contempt petition being COCP No.1487 of 2017 (Annexure P-10) before this Court. During the pendency of the above said contempt petition, a speaking order was passed by the respondent-Department on 3.7.2017 (Annexure P-12) vide which the claim of the petitioner was rejected. In view of the aforementioned order, the above said contempt petition was disposed of as having been rendered infructuous with liberty as prayed for. Aggrieved against the order dated

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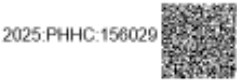
3.7.2017 (Annexure P-12) passed by respondent no.3, the petitioner has filed the present writ petition.

Learned counsel appearing on behalf of the petitioner submits that in the light of the Instructions issued by the Government of Punjab dated 5.7.2011 (Annexure P-3), one post had to be reserved for person with *disability in the category of mentally handicapped*, and as such, the petitioner was entitled to be considered on the post of Peon.

Learned counsel appearing on behalf of the respondents submits that in fact Instructions issued by the Government of Punjab dated 5.7.2011 (Annexure P-3), which has been relied upon by the petitioner, is not applicable in the case of direct recruitment as it relates to promotion. He further submits that in fact no relief can be granted to the petitioner for the reason that the petitioner neither challenged the advertisement dated 07.01.2016 (Annexure P-16) nor the Corrigendum dated 3.6.2016 issued by the Department. In fact, no post was reserved for the category of the petitioner, as such, the petitioner's case can not be considered for appointment on the post of Peon.

After hearing the parties at some length and going through the records of the case, a perusal of the facts of the case would show that it is an admitted fact that as per the advertisement dated 7-01-2016 (Annexure P-4), no post was reserved for person with *disability in the category of mentally handicapped*. As per the stand of the respondent, vide corrigendum dated 3.6.2016, the post of Peon (Headquarter) was reduced to one Post i.e Orthopaedic Handicapped and Peon (Field) to total of 157 posts (88 posts for Visually handicapped and 69 posts for hearing handicapped).

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A perusal of the advertisement dated 7.1.2016 (Annexure P-4) and corrigendum dated 3.6.2016 would show that in fact no post was reserved for the category of the petitioner. The petitioner has neither challenged the advertisement nor the corrigendum. Moreover, all the posts have been filled as per the statement of the learned State counsel. The petitioner has also not impleaded the selected candidates. In these circumstances, no relief can be granted to the petitioner. Hence, the present writ petition is hereby dismissed.

November 11, 2025
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(DEEPINDER SINGH NALWA)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable:	No