

ISL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p>WPSS No.2051 of 2023 <u>Hon'ble Pankaj Purohit, J.</u></p> <ol style="list-style-type: none"> 1. Mr. Abhijay Negi, learned counsel with Ms. Snigdha Tiwari, learned counsel for the petitioner. 2. Mr. B.S. Koranga, learned Brief Holder for the State. 3. Mr. Ashish Joshi, learned counsel for respondent no.2-Commission appearing through Video Conferencing. 4. Heard learned counsel for the parties. 5. By means of this writ petition the petitioner has challenged the advertisements (Annexure 13 to the writ petition)-advertisement dated 28.08.2023 and 08.09.2023 issued by the respondent no.2 the Commission. 6. The main ground on the basis of which the petitioner has thrown challenge is that the respondent no.2-Commission while issuing advertisements has not earmarked the reservation for the persons suffering from bench mark disability of the locomotor disability meant for the BL (both Legs) and BA category (both Arms). 7. The attention of this Court is drawn to Section 33 and 34 of the Rights of Persons with Disabilities Act, 2016 wherein it has been provided that the identification of the post for reservation shall be made by the appropriate Government i.e. in

this case by the State Government and by virtue of Section 34 of the said Act 1% reservation shall be made available to the persons with benchmark disability of locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack, vitamins and muscular dystrophy.

8. It is argued by the learned counsel for the petitioner that from the impugned advertisements only this much is demonstrated that for the post for which the petitioner wish to apply reservation was given to O.A., O.L, C.P., L.C., A.A.V./A.V., Dw. and not for the B.L. According to him this is discriminatory and in violation of the provisions of the Act of 2016 as well as the provisions of Article 14 and 16 of the Constitution of India.

9. Mr. Ashish Joshi, learned counsel for respondent no.2-Commission has stated that advertisement was issued in accordance with requisition sent by the State Government and accordingly, the reservation was given to the persons with benchmark disability.

10. Learned Brief Holder for the State could not explain as to why the person with benchmark disability of locomotor i.e. B.L., to which the petitioner belongs, have been deprived of reservation in the aforesaid selection.

11. In this view of the matter, respondent no.2-Commission is directed to permit the petitioner to participate in the on-going selection process pursuant to impugned advertisements. The

petitioner shall submit his application forms offline to the Commission within seven days from today.

12. Learned counsel for the respondents pray for and are granted six weeks time for filing counter affidavit. Two weeks time thereafter is granted to the petitioner for filing rejoinder affidavit, if any.

13. List this petition on 12.02.2024.

(Pankaj Purohit, J.)
20.11.2023

Arti