

Court No. - 34

Case :- WRIT - A No. - 14614 of 2022

Petitioner :- Rahul Pandey

Respondent :- Union Of India And 3 Others

Counsel for Petitioner :- Sanjay Singh

Counsel for Respondent :- A.S.G.I.

Hon'ble Rajesh Singh Chauhan,J.

Heard Sri Sanjay Singh, learned counsel for the petitioner and Sri Sheetla Prasad Gound, learned counsel for the opposite parties, who has filed memo of appearance. Said memo of appearance is taken on record.

This case has been taken up on the mention made in the morning for the reason that the examination in question for which the petitioner, who is 80% handicapped on the basis of medical certificate issued by the Medical Authority, is needing one attendant and the said examination is to be conducted tomorrow i.e. 15.09.2022 at 07:30 AM.

The examination is to be conducted by opposite party no.4 i.e. Railway Recruitment Board for various posts. Learned counsel for the petitioner has submitted that the applicant has prepared thoroughly for the examination in question but unless and until he is provided any attendant to take him to the examination room, he would not be able to appear in the examination, therefore, considering the aforesaid bonafide difficulty of the petitioner and adopting the compassionate approach, the petitioner may be permitted one attendant to take him to the examination centre and in the examination room in the interest of justice. Learned counsel has further submitted that for redressal of his grievance, the petitioner has preferred a representation dated 16.07.2022 but the same is still pending consideration.

Learned counsel for the opposite parties has submitted that he has not received any instructions on that point as he came to know about the fact that the case would be taken up at 2:00 PM, however, he has submitted that if any direction is issued by this Court, he shall communicate the same to the authority concerned.

Considering the facts and circumstances of the issue in question and also perusing the disability certified of the petitioner dated 25.08.2021 issued by the competent Medical Authority, Gorakhpur, U.P. wherein it has been indicated that disability of

the petitioner is 80%, I find it appropriate that appropriate direction be issued on the compassionate ground so that the petitioner could appear in the examination in question inasmuch as appearing in the examination in question is a fundamental right guaranteed under Article 21 of the Constitution of India, which provides right to life. Right to life includes a dignified life and if any person qualifies any proper examination, his life would be better and that fellow would be able to live comfortably.

Accordingly, without entering into merits of the issue, I hereby **dispose of** this writ petition finally at the admission stage directing the competent Railway Authorities, be it opposite party no.2, 3 or 4, to allow the petitioner to carry one attendant, who would take the petitioner to the examination centre and to the examination room and that attendant shall remain present outside the examination room till completion of the examination and after completion of the examination, that attendant shall again give his/ her assistance to the petitioner to take back him to his place.

Learned counsel for the opposite parties shall intimate the aforesaid direction of this Court to the competent authority concerned forthwith telephonically without waiting issuance of certified copy of this order. However, this order shall be served by the petitioner upon the opposite party concerned as soon as he gets the copy thereof.

Certified copy of this order shall be provided to the learned counsel for the petitioner within 24 hours on payment of usual charges.

However, computer generated copy of this order may be produced before the competent authority by the petitioner at the time of appearing in the examination centre.

[Rajesh Singh Chauhan,J.]

Order Date :- 14.9.2022

RBS/-