

(2013) 07 P&H CK 0836

High Court Of Punjab And Haryana At Chandigarh**Case No:** CWP No. 15939 of 2013

Maninderjit and Another

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision: July 25, 2013**Hon'ble Judges:** Tejinder Singh Dhindsa, J**Bench:** Single Bench**Advocate:** Amandeep Saini, for the Appellant;**Final Decision:** Disposed Off

Judgement

Tejinder Singh Dhindsa, J.

The Department of Elementary Education, State of Punjab issued advertisement dated 05.09.2007 (Annexure P-3) inviting applications for recruitment of total of 9998 posts of JBT/ETT Teachers on a consolidated salary of Rs. 4550/-. The selection of JBT/ETT Teachers is to be done at the district level. There was a 3% reservation provided for candidates, who are physically handicapped. In so far as district Amritsar was concerned, 32 posts were earmarked for the physically handicapped. It is asserted that the petitioners, who all suffer from a permanent disability element in excess of 40% (orthopaedically handicapped) had applied for the post of ETT Teachers for district Amritsar.

2. Counsel for the petitioner would refer to letter dated 11.03.2013 issued by the office of District Education Officer, Amritsar at Annexure P-4 i.e. information supplied under the Right to Information Act, 2005, wherein it has been admitted that 20 posts of the handicapped category for Amritsar district are still lying vacant.

3. Counsel for the petitioner would placed reliance upon judgment dated 12.01.2011 passed by this Court in CWP No. 12886 of 2010 titled as Jagjit Kaur & others Vs. State of Punjab & others (Annexure P-10), wherein it had been held that if no candidate is available in any one of the three handicapped categories i.e. orthopaedically handicapped/visually impaired/deaf & dumb, then the candidate, who is available in

the other handicapped category can be allowed to be occupied by such physically disabled candidate from the other category.

4. The precise claim raised by the petitioner is that out of the 32 posts reserved for physically handicapped in Amritsar district, i.e. 3% reservation, 1% relating to orthopaedically handicapped has already been filled up. But in the light of the judgment rendered by this Court in Jagjit Kaur's case (supra) on account of non-availability of eligible candidates in the other handicapped categories i.e. visually impaired and deaf & dumb, even such vacancies are open to be filled up from the category of physically handicapped (ortho).

5. Counsel submits that even though repeated representations have been preferred and 20 posts of physically handicapped ETT Teachers are still lying vacant in district Amritsar, yet the claim has not been considered/finalized.

6. In the light of the facts noticed hereinabove, the present writ petition is disposed of with a direction to respondents No. 3 & 4 to consider the claim of the petitioners and take a final decision on the legal notice dated 20.04.2013 (Annexure P-11) strictly in accordance with law and by passing a speaking order within a period of three months from the date of receipt of a certified copy of this order.

7. Suffice it to observe that while taking a final decision, the respondent-authorities shall keep in mind the judgment passed by this Court in Jagjit Kaur's case (supra). Disposed of.