
(2007) 10 SC CK 0025
In the Supreme Court Of India
Case No : Civil Appeal No. 6168 of 2001

Bhudev Sharma

APPELLANT

Vs

District Judge, Bulandshahr and Another

RESPONDENT

Date of Decision : 31-10-2007

Acts Referred:

Citation : (2008) 1 ALLMR 416 : (2008) 1 AWC 476 Supp : (2008) 1 CLT 514 : (2007) 115 FLR 1006 : (2008) 3 JKJ 89 : (2007) 13 JT 154 : (2007) 12 SCALE 642 : (2008) 1 SCC 233 : (2008) 1 SCC(L&S) 170 : (2007) 11 SCR 730 : (2008) 2 SLJ 136

Hon'ble Judges : Markandey Katju, J;A. K. Mathur, J

Bench : Division Bench

Advocate : Gaurav Jain and Abha Jain, for the Appellant; Ashok K. Srivastav, for the Respondent

Final Decision : Disposed Of

Judgement

Markandey Katju, J.—This appeal has been filed against the impugned judgment of the Allahabad High Court dated 23.05.2001 in Special Appeal No. 445 of 2001. Heard learned Counsel for the parties and perused the record.

2. The appellant is a blind man. He appeared in the recruitment test held in the year 1992 for selecting candidates for Class-III Posts in Bulandshahr Judgeship in U.P. However, he was not selected and hence he filed a writ petition which was allowed by a learned Single Judge of the Allahabad High Court by his judgment dated 25.09.1997. Against that judgment the State Government filed a letters patent appeal which has been allowed by the impugned judgment by the Division Bench. Hence this appeal.

3. The appellant has relied on G.O. dated 26.08.1993 which is Annexure P-I to this appeal. That G.O. states that the U.P. Government has reserved 2 per cent posts for physically handicapped persons for direct recruitment in all groups of Government services. The physically handicapped persons are those who are

blind, deaf and dumb and otherwise handicapped. There were altogether 30 posts for which the selection was held. 2 per cent of 30 is 0.6. Since 0.6 is more than half we round it off and hold that one out of the 30 posts is reserved for physically handicapped persons. Since there was no other physically handicapped person who applied, in our opinion, the appellant was entitled to the post reserved for physically handicapped persons.

4. In this view of the matter, the appeal is allowed, the impugned judgment of the Division Bench is set aside and it is directed that the appellant be appointed on a Class-III Post in Bulandshahr Judgeship forthwith.

5. We are informed that the appellant is already working on the post in view of the interim order of this Court. Hence he shall be regularized and allowed to continue working as a regular Class-III employee and shall be given all the consequential benefits.