

(1992) 01 RAJ CK 0050
In the Rajasthan High Court
Case No : Civil Writ Petition No. 1102 of 1985

Jagan Singh

APPELLANT

Vs

State of Rajasthan and Another

RESPONDENT

Date of Decision : 10-01-1992

Acts Referred:

Citation : (1994) 1 WLN 311

Hon'ble Judges : M.B. Sharma, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

M.B. Sharma, J.—This writ petition was filed as far back as in the year 1985 and related to the recruitment to the post of Teacher Gr.III, which posts were to be filled in by the Rajasthan Panchayat & Swayat Shasan Adhinastha Sewa Ayog, Jaipur (for short the Commission). The Commission issued an advertisement No. 59(1983) for the recruitment of Teachers Gr.III and the petitioner being eligible filed his application to the Commission but the candidature of the petitioner was rejected on the ground that he was over-age.

2. The date of birth of the petitioner is 28th February 1950 and as per the case of the petitioner for recruitment to the post of Teachers Gr.III, the maximum age should be 30 years and, therefore, the petitioner had crossed the age of 30 years. But the petitioner claimed relaxation of age of 10 years because he was orthopadically handicapped.

3. Under Rule 8 of the Rajasthan Employment of the Physically Handicapped Rules, 1976 (for short the rules) the maximum age limits prescribed for appointment to various posts in Subordinate, Ministerial and Class IV services indicated in Sub-rule (1) of Rule 4 may be relaxed by 10 years for the physically handicapped persons and various relevant Services Rules shall stand amended to this effect. In special cases of hard-ship the Government may further relax this limit of age.

4. If the petitioner, therefore, can be said to be handicapped persons under the rules, he was entitled for relaxation by 10 years and on that ground the candidature of the petitioner should not be rejected.

5. It may be stated that along with the writ petition the petitioner has not filed his application form or a copy of it in order to satisfy this Court that he had applied as a handicapped candidate. It also does not appear that after the application form of the petitioner was rejected on the ground that he was over age, he had filed any representation that he was an handicapped candidate and his candidature has wrongly been rejected. Even in the writ petition the certificate or its copy that the petitioner falls under the handicapped category under the rules has not been filed. Learned Counsel for the petitioner, during the course of arguments today has shown to me a photo stat. copy of the physically handicapped certificate issued by some Government Doctor. A perusal of the aforesaid certificate will show that it cannot be made out from it that what is the physical inability on which the petitioner can be classified as physically handicapped. All that has been stated in that certificate is that "lower limb". A look at the rules will show that physically handicapped has been defined under Rule 2(v) and so far as orthopedically handicapped is concerned, it is in Clause (c) and under it, orthopedically handicapped are those who have a major physical defect or deformity which cause an interference with normal functioning of bones, muscles and joints. A perusal of the photo-stat copy of the certificate will show that the certificate is not in accordance with the aforesaid expression of Orthopedically handicapped as given in Rule 2(c) of the rules. Under Rule 7 of the rules, for ascertaining the degree of disability and functional capacity of the physically handicapped and relaxation from medical examination on appointment in Government service, a certificate of the physically handicapped has to be obtained from the Medical Officer not below the rank of (1) Reader in the concerned speciality where there is a Medical College; and (2) a Junior Specialist in the concerned Speciality or Chief Medical & Health Officers at places where there is no Medical College. The certificate has to be in Form II, Form-III, Form-IV and Form-V amended to these rules. The said certificate is not in accordance with the forms prescribed. Thus, I am unable to say that the petitioner falls under the category of Orthopedically Handicapped and on that basis was entitled to any relaxation of age.

6. Consequently, I find no force in this writ petition and the same is dismissed with no orders as to costs.