

(2011) 07 SHI CK 0241
In the High Court Of Himachal Pradesh
Case No : LPA No. 232 of 2011

Lata Chauhan

APPELLANT

Vs

State of Himachal Pradesh and Others

RESPONDENT

Date of Decision : 29-07-2011

Acts Referred:

Citation : (2011) 07 SHI CK 0241

Hon'ble Judges : Kurian Joseph, C.J;V.K. Sharma, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Kurian Joseph, C.J.

CMP(M) No. 765 of 2011. 1. Heard. The delay in filing the appeal is condoned. The application stands disposed of.

LPA No. 232 of 2011

2. The sixth Respondent has come up in appeal. The matter pertains to the appointment to the post of Primary Assistant Teacher at Government Primary School, Sindasli. The 2 post is reserved for physically challenged person. The last date of submission of the applications was 20th July, 2005. Interview was held on 10th August, 2005. The Appellant while submitting her application produced Annexure A6, temporary disability certificate which shows that she had 40% disability (hearing impaired). The certificate shows that the disability is of temporary nature and the validity of the certificate was only for a period of two years i.e. from 30th July 2005 to 30th July, 2007. It is seen that the Appellant produced another certificate (Annexure A7), which was issued on 22.9.2005. It shows that she suffered from 40% disability and it is permanent.

3. Learned Counsel for the Appellant, inviting reference to the policy, vehemently contended that the certificate regarding disability need only be produced at the time of joining duty. But it is seen from Annexure A5, notification calling for the

applications that a candidate had to attach the attested copy of handicapped certificate alongwith the application. The original was to be brought at the time of interview. Alongwith the application, what was produced, is only a certificate with temporary disability, which of course had life as on the date of the submission of the application. But as on the date of interview, when the candidate as per Annexure A5, notification, was required to produce the original disability certificate, the Appellant had not produced any certificate. It is evident that as on that date i.e. 10th August, 2005, the Appellant had No. valid certificate. Annexure P7, certificate which was produced and accepted for the purpose of employment, was issued only on 22.9.2005. The Appellant having not produced any valid disability certificate in original at the time of interview, she could not have been selected as an eligible candidate. It is also to be seen that on the date of the submission of the application, the Appellant only suffered a temporary disability; whereas the writ Petitioner had valid certificate of disability of permanent nature at the time of the submission of the application, interview and thereafter also. Thus, the learned Single Judge has correctly appreciated the eligibility of the Appellant and has held that the Appellant was not eligible for being appointed. Hence, we do not find any merit in the appeal and the same is accordingly dismissed. The pending application(s), if any, also stands disposed of.