
(2021) 06 PAT CK 0001

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No.9119 of 2019

National Federation Of The Blind

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision : 03-06-2021

Acts Referred:

Rights Of Persons With Disabilities Rules, 2017 — Rule 11
Persons With Disabilities (Equal Opportunities, Protection Of Rights And Full Participation) Act, 1995 — Section 33
Rights Of Persons With Disabilities Act, 2016 — Section 34

Citation : (2021) 06 PAT CK 0001

Hon'ble Judges : Sanjay Karol, CJ;S. Kumar, J

Bench : Division Bench

Advocate : S. K. Rungata, Daya Shanker Prasad, Ganesh Prasad Verma, Sugandha Prasad, Pramod Rajpati, Durga Kumari, Amar Prakash, Bhawesh Srivastava, Lalit Kishore, Shilpa Singh, Ashok Kumar Garg, Prabhat Kumar Verma

Final Decision : Disposed Of

Judgement

Petitioner has prayed for the following relief(s): -

â??A. issuance of a writ of certiorari or any other appropriate writ order or direction thereby calling for the records relating to the maintenance of

roster for giving effect to 3% reservation for persons with disabilities in terms of section 33 of the Persons with Disabilities (Equal Opportunities,

Protection of Rights and Full Participation) Act, 1995 read with directions of Honâ??ble Apex Court in judgment dt. 8.10.13 in Civil Appeal No.

9096/2013 upto March, 2017 and thereafter in terms of Section 34 of Rights of Persons with Disabilities Act 2016 read with Rule 11 of Rights of

Persons with Disabilities Rules 2017 including 1% for persons suffering from blindness and low vision by all Govt. Departments at least beginning

from 1996, examine the same and quash all such recruitments to the extent of 3% upto March, 2017 and thereafter 4% from April 2017 till date if

provision of reservation in terms of Section 33 of the old Act and Section 34 of the said new Act R.W.R. 11 of the said Rules have not been followed.

B. Issuance of a writ of mandamus or any other appropriate writ order or direction thereby directing the Respondents to work out the vacancies

which ought to have been reserved for each of the category of persons with disabilities in terms of Section 33 of the said old Act upto March, 2017

and thereafter in terms of Section 34 of said new Act from April, 2017 till date in a time bound manner in terms of the directions of Honâ??ble Apex

Court as contained in judgment dt. 8.10.13 passed in Civil Appeal No. 9096/2013 and undertake a special recruitment drive for filling up the backlog of

vacancies so worked out for each category of disability including blind and low vision separately in compliance of the directions of Honâ??ble Apex

Court in the said case.

C. Issuance of a writ of mandamus or any other appropriate writ order or direction thereby directing the Respondent No. 2 to monitor the

implementation of scheme of reservation for persons with disabilities in the same manner as is done by it in the case of SC, ST & OBC.

D. Issuance of a writ of prohibition or any other appropriate writ order or direction thereby restraining the respondents from undertaking any

recruitment in future without complying with the provisions of Section 34 of the RPD Act R.W.R. 11 of the RPD Rules 2017 as well as without

completing the recruitment process against backlog reserved vacancies for persons with disabilities in general and blind and low vision in particular in

accordance with the directions contained in the judgment dt. 8.10.13 in Civil Appeal No. 9096/2013.

2. After the matter was heard for some time, Sri S. K. Rungata, under instructions from the petitioner, states that this petition can be disposed of with

a direction to the State to consider the petitionerâ??s case, independent of the respective stands taken in these proceedings. Further, the petition be

treated as a representation to be considered expeditiously and preferably within a period of four months.

3. Learned Advocate General fairly states that the petitionerâ??s case shall be considered in accordance with law and as desired by them, within a

period of four months.

4. We only hope and expect that the State shall take a decision at the earliest and certainly within the aforesaid period. Needless to add, such decision

shall be taken as per law and if required by affording opportunity of placing additional material by the parties. The decision taken shall be

communicated to all concerned, including the petitioner.

5. Petition is disposed of in the aforesaid terms, also reserving liberty to the petitioner or any one of the aggrieved parties to independently approach

the Court on the very same and subsequent cause of action, if the need so arises.

6. Interlocutory Application(s), if any, shall stand disposed of.

7. We appreciate the efforts put in by Sri Lalit Kishore, learned Advocate General, Sri S. K. Rungata, learned Senior Counsel, Sri Surendra Kumar

Singh, learned Counsel for the petitioner and Ms. Sugandha, learned counsel for the petitioner in arriving at a just decision.