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**(2021) 04 SHI CK 0083**

**In the High Court Of Himachal Pradesh**

**Case No : Civil Writ Petition No. 2292 Of 2021**

Rajat Kajal

APPELLANT

Vs

State Of H.P. And Others

RESPONDENT

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**Date of Decision :** 08-04-2021

**Acts Referred:**

**Citation :** (2021) 04 SHI CK 0083

**Hon'ble Judges :** Sureshwar Thakur, J;Sandeep Sharma, J

**Bench :** Division Bench

**Advocate :** Ajay Sharma, Amit Jamwal, Sudhir Bhatnagar, Vikrant Chandel, Shashi Shirshoo

**Final Decision :** Disposed Of

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## **Judgement**

Sureshwar Thakur, J

1. The writ petitioner applied for the advertised post of Junior Engineer (Supervisory Trainee-Civil). Two posts were reserved for persons suffering with disability(ies) mentioned in Annexure P-1. The petitioner contends that despite his possessing a disability certificate, embodied in Annexure P-3, and its making stark revelations, vis-à-vis, his being entailed with progressive permanent disability of various portions of his body, (i) nonetheless, the respondent concerned declined to accept the afore disability certificate, as the relevant factor of his falling within the disabled persons' category, appertaining to the post, against which he applied.

2. The discounting by the respondent concerned of the validity of Annexure P-3, does, prima-facie, portray the respondent concerned, acted in a slip-shod manner and also reflect qua its making a thorough non-application of mind, vis-à-vis, the validity of Annexure P-3, and, also of all the enumerations, as carried therein, rather supporting the writ relief,

3. Consequently, the respondents are directed to, in accordance with the norms, relating to the disability, required to be entailed upon the writ petitioner, for his

being eligible to fall within the disabled persons' category, objectively analyze, after thorough application of mind, the enumerations, borne in Annexure P-3. The respondent concerned is directed to make a speaking decision upon the disability pronounced upon Annexure P-3, and, 3 whether it satisfies the eligibility criteria, appertaining to the post, against which the writ petitioner has applied. The reasoned/speaking order shall be made within two weeks hereafter, and, in case the authority concerned is satisfied that the writ petitioner completes, in all respects, the eligibility criteria, it shall, forthwith, on completion of all other codal formalities, issue an order of appointment to the writ petitioner.

4. In sequel, the writ petition is disposed of. Also, the pending application(s), if any, are also disposed of. No costs.

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