

(2023) 11 SIK CK 0069
In the Sikkim High Court
Case No : Writ Petition (C) No. 60 Of 2022

Ravi Tamang

APPELLANT

Vs

State Of Sikkim & Ors.

RESPONDENT

Date of Decision : 30-11-2023

Acts Referred:

Right Of Persons With Disabilities Act, 2016 — Section 34

Citation : (2023) 11 SIK CK 0069

Hon'ble Judges : Bhaskar Raj Pradhan, J

Bench : Single Bench

Advocate : N. Rai, Tara Devi Chettri, Priscilla Rai, Shakil Raj Karki, Sujan Sunwar, Bhusan Nepal, Prajwal Rai, Sangita Pradhan, Natasha Pradhan, Purnima Subba

Judgement

Bhaskar Raj Pradhan, J

I.A. No. 01 of 2023

1. An application for amendment had been filed by the petitioner seeking to amend the writ petition. In the writ petition the Union of India is arrayed as respondent no.8.

2. The writ petition seeks the following prayers:-

"(a) Issue a writ of certiorari quashing the illegal appointments of Respondent No. 4 to 7 made by the Respondent No. 1 to 3 in the post of Lower Division Clerks from the posts reserved for Persons with Disability (PWD)-Blind and Low Vision.

(b) Issue a writ of/ or in the nature of mandamus or any other writ or order of the like nature directing the Respondent No. 1 to 3 to appoint, in place of the Respondent No. 4 to 7, the eligible candidates including the Petitioner from among the persons with Disability – blind and with low vision as per the terms of advertisement dated 13.06.2017 with Reference No.06/SPSC/EXAM/2017.

(c) Issue a writ of/ or in the nature of mandamus or any other writ or order of the like nature directing the Respondent No.1 to 3 to remove the impediment of filing the online application form for the candidates with 100% blindness in response to the advertisement No.08/SPSC/EXAM/2022 dated 06.08.2022 published by Sikkim Public Service Commission, the said application form being published in www.spsc.skm.govt.in.

(d) Issue a writ of/ or in the nature of mandamus directing the State Respondents to specify the number of posts reserved for persons who are blind and persons with low vision separately under the Category Persons with Disability-Blind and Low Vision.

(e) Issue direction to the Respondent No. 1, 2 and 3 to strictly adhere to the service rules and rules of recruitment.

(f) Issue direction to the Respondent no.1, 2 and 3 to produce the entire file in respect of the appointment process under Advertisement No.06/SPSC/EXAM/2017 dated 13.06.2017 published by Sikkim Public Service Commission.

(g) Issue any other appropriate writ, order or direction that this Hon'ble Court may deem fit and proper in the circumstances of the case.

(h) Costs of these proceedings."

3. The application for amendment seeks to add prayer (i) in the following manner.

"(i) Issue a writ of/ or in the nature of mandamus or any other writ or order of the like nature directing the Respondent No.8 to amend Section 34 of the Right of Persons with Disabilities Act, 2016 so as to provide for separate reservation for the persons who are blind and persons with low vision."

4. The learned counsel for the respondents including the learned Deputy Solicitor General of India raises no objection to the amendment sought for. Since the issue raised in the writ petition is relatable to prayer (i) sought to be added to the above prayers in the writ petition the amendment is allowed. I.A. No.01 of 2023 stands disposed of. The petitioner may file the amended writ petition within a period of 10 days. The respondent may file amended counter affidavit. If counter affidavit had been filed or if no counter affidavit has been filed so far, counter affidavit may be filed within a period of four weeks after filing of the amended writ petition.

5. List it after the reopening of the ensuing winter vacation.