

**(2023) 02 CHH CK 0074**  
**In the Chhattisgarh High Court**  
**Case No : Writ Petition (PIL) No. 120 Of 2022**

Vijay K. Deshmukh

APPELLANT

Vs

Chhattisgarh Public Service Commission

RESPONDENT

**Date of Decision :** 27-02-2023

**Acts Referred:**

**Citation :** (2023) 02 CHH CK 0074

**Hon'ble Judges :** Arup Kumar Goswami, CJ; Radhakishan Agrawal, J

**Bench :** Division Bench

**Advocate :** Pratiti Rungta, Pawan Kumar Sahu, Anand Mohan Tiwari, Dr. Saurabh Pande, Pankaj Agrawal, T.K. Tiwari, Jitendra Pali, R.K. Misra, R. K. Gupta, P.R. Patankar

**Final Decision :** Disposed Of

## Judgement

1. Heard Ms. Pratiti Rungta (through video conferencing) along with Mr. Pawan Kumar Sahu, learned counsel for the petitioner. Also heard Mr. Anand Mohan Tiwari, learned counsel, appearing for respondent No. 1, Dr. Saurabh Pande, learned counsel, appearing for respondent No. 2, Mr. Pankaj Agrawal, learned counsel, appearing for respondent No. 3, Mr. T.K. Tiwari, learned counsel, appearing for respondent No. 4, Mr. Jitendra Pali, learned Deputy Advocate General, appearing for respondents No. 5 and 11, Mr. Ramakant Mishra, learned Deputy Solicitor General, appearing for respondents No. 6, 7, 9 and 12, Mr. R.K. Gupta, learned counsel, appearing for respondent No. 8 and Mr. P.R. Patankar, learned counsel, appearing for respondent No. 10.

2. On 02.11.2022, this Court had passed the following order :

Heard Mr. Vijay K. Deshmukh, petitioner in person. Also heard Mr. Anand Mohan Tiwari, learned counsel, appearing for respondent No. 1, Dr. Saurabh Pande, learned counsel, appearing for respondent No. 2, Mr. Pankaj Agrawal, learned counsel, appearing for respondent No. 3, Mr. T.K. Tiwari, learned counsel, appearing for respondent No. 4, Mr. Trivikram Nayak, learned Panel Lawyer along

with Mr. Gagan Tiwari, learned Deputy Government Advocate, appearing for respondents No. 5 and 11, Mr. Ramakant Mishra, learned Deputy Solicitor General, appearing for respondents No. 6, 7, 9 and 12, Mr. R.K. Gupta, learned counsel, appearing for respondent No. 8 and Mr. P.R. Patankar, learned counsel, appearing for respondent No. 10.

The relevant portion of the order dated 23.09.2022 passed by this Court, reads as follows:

“By filing this public interest litigation, the petitioner alleges violation of the guidelines dated 29.08.2018 issued by the Government of India, Ministry of Social Justice & Empowerment, Department of Empowerment of Persons with Disabilities (Divyangjan), in the matter of conducting written examination for persons with benchmark disabilities in connection with providing of scribe to the persons with blindness and locomotor disabilities.

It is submitted by Mr. Rungta that an advertisement was issued on 08.06.2022 for filling 80 posts of Peon in the General Administration Department of the Mantralaya. In connection with the examination for the aforesaid post to be held on 25.09.2022 pursuant to the said advertisement, a notice dated 12.08.2022 was issued in connection with eligibility of the scribe. It is submitted that the aforesaid notice dated 12.08.2022 is against the guidelines dated 29.08.2018.

Though the examination is being held on 25.09.2022, Mr. Rungta submits that the writ petition ought to be entertained and adjudicated so that grievance of the people with blindness and locomotor disabilities are redressed and they do not suffer any prejudice at the time of taking examination in future.

We have perused the judgment of the Hon’ble Supreme Court in the case of *Vikas Kumar v. Union Public Service Commission*, reported in (2021) 5 SCC 370.

The argument of Mr. Rungta has substance and the matter requires early resolution.

Accordingly, we direct the Registry to list this case on 02.11.2022.

No formal steps are called for as the respondents are duly represented.

The respondents may file their reply on or before 19.10.2022.

On the next date fixed, the Secretary, Chhattisgarh Public Service Commission, shall remain present before the Court.”

Pursuant to the aforesaid order, Mr. J.K. Dhruw, the Secretary, Chhattisgarh Public Service Commission, is present before the Court.

Mr. Anand Mohan Tiwari submits that a reply-affidavit is filed on behalf of respondent No. 1.

In the reply it is stated that respondent No. 1 has initiated steps for strict implementation of the guideline-2018 and guideline-2022 of the Government of

India, and therefore, the grievance articulated by the petitioner is redressed.

Mr. Deshmukh, petitioner in person has also submitted that in view of the clear stand taken in the reply of respondent No. 1, the petitioner does not have any subsisting grievance against the respondent No. 1. He, however, submits that the stand taken by respondent No. 2, is ambivalent and therefore, it may be appropriate for respondent No. 2 to indicate in clear terms the policy that is going to be adopted in future examinations.

Dr. Saurabh Pande submits that he will file an additional reply to clarify the stand taken by respondent No. 2.

Mr. Pankaj Agrawal prays for some time to file reply-affidavit.

Mr. Gagan Tiwari also makes a similar prayer as Mr. Agrawal.

Prayers are allowed.

List this case again on 08.12.2022.

Personal presence of Mr. J.K. Dhruw, the Secretary, Chhattisgarh Public Service Commission, is dispensed with."

3. Ms. Pratiti Rungta submits that except respondent No.3, all the respondents have undertaken to comply with the guidelines dated 29.08.2018 issued by the Government of India, Ministry of Social Justice & Empowerment, Department of Empowerment of Persons with Disabilities (Divyangjan), and therefore, the petitioner does not have any subsisting grievance against the respondents other than the respondent No.3.

4. At this juncture, drawing attention of this Court to page 4 of the reply dated 02.12.2022, Mr. Pankaj Agrawal submits that the candidate can bring a scribe with qualification one class below the qualification of the candidate taking the examination and if the Board is requested to provide the scribe, then also the scribe with qualification one class below the qualification of the candidate taking the examination shall be provided.

5. In view of the above statement of Mr. Agrawal, Ms. Rungata submits that nothing further remains for consideration in this case.

6. Mr. Anand Mohan Tiwari, Dr. Saurabh Pande, Mr. T.K. Tiwari, Mr. Jitendra Pali, Mr. Pankaj Agrawal, Mr. R. K. Mishra, Mr. R.K. Gupta and Mr. P. R. Patankar, learned counsel appearing for the respondents also endorse the submission of Ms. Rungata and contend that writ petition can be disposed of in view of the stand taken by the respondents.

7. In view of the above submission of learned counsel for the parties, writ petition stands disposed of as being without any surviving cause of action.