



CWP-20655-2016

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

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CWP-20655-2016 (O & M)
Date of decision: 20.01.2025

Rajveer Kaur

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Jagraj Singh Khiva, Advocate,
for the petitioner.

Mr. Satnam Preet Singh Chauhan, DAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition is for quashing the order dated 02.07.2016 (Annexure P-8), whereby the petitioner has been declared ineligible to the post of Dark Room Assistant, under OH Physically Handicapped Category.

2. Pursuant to the advertisement dated 04.01.2016, the petitioner applied for appointment for the said post, the requisite educational qualifications for which were Matric/Higher Secondary with Science and Punjabi upto matric and was placed at No.1 in merit list as per result (Annexure P-2). 19 candidates out of the list, only she appeared for the interview.

3. She despite having disability to the extent of 40% she was declared ineligible, vide impugned order (Annexure P-8), on basis of Instructions dated 29.07.2013 that physical requirements of the said post



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are OL (handicapped from one leg) BL (handicapped from both legs), which were conspicuous by their absence in the advertisement, thus, wrongly pressed into service to oust the petitioner.

4. Additionally, in the reply dated 01.12.2022, it has been stated that she was not eligible on account of having not qualified 10+2 with science subject, which is contrary to the advertisement that reveals matriculation as also a requisite qualification.

5. The denial of appointment to the petitioner exudes an air of arbitrariness and reflects a profound misapplication of mind, in as much an artificial distinction between impairments in one leg versus both was conjured, a notion unsupported by the advertisement and despite her clear eligibility, a fictional "higher criteria" was fabricated as an added obstacle.

6. This Court vide order dated 20.03.2017, directed that the post be not re-advertised and kept vacant.

7. Taking stock of the totality of the facts and as an upshot of the foregoing discussion, the present petition is disposed of with directions to the respondents to consider and appoint the petitioner, based on her merit position within a period of three months. She shall be entitled only to notional seniority, pay fixation etc, but not actual monetary benefits.

20.01.2025
parveen kumar

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No