



130 **IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-26610-2025

Date of Decision: 08.09.2025

JAGBIR

... PETITIONER

VS.

STATE OF HARYANA AND ORS

.. RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr. Sarthak Gupta, Advocate (Legal Aid Counsel)
 for the petitioner.

Mr. Puneet Gupta, Additional Advocate General, Haryana.

ASHWANI KUMAR MISHRA, J. (ORAL)

1. The petitioner is aggrieved by Clause 9 of the Haryana Government circular/notification dated 13.05.2025, whereby, amendments have been introduced in the Deployment of Contractual Persons Policy, 2022.

2. It transpires that Contractual Persons Policy, 2022 has been formulated by the State for the engagement of contractual employees. Certain amendments have been introduced in the policy, which include the applicability of the reservation policy while undertaking recruitment on a contractual basis. Clause 9 of the Policy reads as under

(9) In the Deployment of contractual Persons Policy, 2022, the clause 9, regarding reservation policy, shall be substituted as under:-

9. Reservation Policy:

The reservation policy both vertical and horizontal, applicable from time to time for direct recruitment, shall also be followed by the Nigam at State Level for every Job Role Level and not at District Level. The roster shall be maintained indent-wise.

The overall strength of candidates of reserved categories of deployed in a Job Role at State level shall atleast be equal to the mandated limit of reservation. If in any year, the overall strength of candidates of reserved category in any job level at state level falls below the mandated limit of reservation, the backlog will be first filled up in the next year's indent(s) for that job level. It is also clarified that in case of non-availability of suitable candidate(s) of horizontal category the suitable person of vertical category, if available, may be deployed by the Nigam. In case of non-availability of suitable candidate of specific reserved category, the manpower of any other category as per merit shall be deployed by the Nigam.”

3. Learned counsel for the petitioner states that the reservation is being applied at the Job Role Level, which is not with reference to any specific post to be filled up. Rather, the reservation policy is applied for a bunch of posts. It is submitted that the mandate of the Rights of Persons with Disabilities Act, 2016 (for short 'the Act of 2016') would not be full-filled in the manner in which such reservation is proposed to be implemented by the State.

4. Attention of the Court has been invited to Section 34 of the Act of 2016 which talks of providing four per cent reservation in the total number of vacancies in the cadre strength in each group of posts meant to be filled with persons with benchmark disabilities.

5. Learned State counsel, on the other hand, submits that the provisions of Section 34 of the Act of 2016 are being implemented by the State of Haryana under the notification dated 13.05.2025, and that the State, at the time of recruitment on contractual posts, shall extend reservation for persons with disabilities as per Section 34 of the Act. It is also urged that Section 34 of the Act of 2016 otherwise talks of reservation on each group of posts.

6. In view of the statement made by the learned State counsel that the State Government, while making appointments, shall specifically implement the provisions of the Act of 2016, we do not find any further occasion for this Court to interfere in the matter.

7. Accordingly, the present petition is disposed of in terms of the stand taken by the State counsel before this Court, that the State of Haryana shall proceed to implement the reservation for persons with disabilities in terms of Section 34 of the Act of 2016, while making contractual appointment as per the policy of 2022, as amended on 13.05.2025.

**(ASHWANI KUMAR MISHRA)
JUDGE**

**(ROHIT KAPOOR)
JUDGE**

08.09.2025

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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No