

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 11352/2013

BHUVANESHWAR SINGH

Appellant(s)

VERSUS

RAJASTHAN PUBLIC SERVICE COMMISSION & ANR.

Respondent(s)

([HIGH UP THE BOARD])

WITH C.A. No. 11353-11354/2013
(IA No. 198688/2023 - INTERVENTION/IMPLEADMENT)

Date : 04-09-2024 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

For Appellant(s)

Ms. V. Mohana, Sr. Adv.
Mr. Santosh Kumar Rungta, Sr. Adv.
Ms. Chitrangda Rastravara, AOR
Mr. Abhijeet Singh, Adv.
Mr. Anirudh Singh, Adv.
Mr. Dhananjai Shekhwat, Adv.
Mr. Aishwary Mishra, Adv.
Mr. Dashrath Singh, Adv.
Ms. Anjali Saxena, Adv.

For Respondent(s)

Mr. Amit Lubhaya, Adv.
Mr. Aniruddha Deshmukh, AOR

Ms. Nidhi Jaswal, AOR
Mr. Shiv Mangal Sharma, A.A.G.
Ms. Nitika Rawat, Adv.

Mr. D. K. Devesh, AOR

UPON hearing the counsel the Court made the following
O R D E R

Civil Appeal No.11352 of 2013

After having heard the learned counsel appearing for the parties and after perusing the counter affidavit filed by the second respondent-State of Rajasthan, we find that it is an admitted position that the respondent-State of Rajasthan did not implement the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (for short, "the 1995 Act"). The 1995 Act came into force with effect from 7th February, 1996. The respondent-State has contended in paragraph 3 of its counter affidavit that it was decided to implement 3 per cent reservation for the disabled in State services and upon detailed examination and discussions on the aforesaid proposal, the same was approved by the Cabinet on 18th August, 2000. The recruitment process started in the year 1999 which is the subject matter of this appeal was conducted on the basis of the Rajasthan Employment of Physically Handicapped Rules, 1976 which did not provide for reservation to the persons with disability in group 'A' and 'B' posts. Admittedly, there is no notification issued by the State in exercise of powers under proviso to Section 33 of the 1995 Act. In absence of the notification under the proviso, it was the duty of the

State to provide reservation as per Section 33 of the 1995 Act. 1 per cent posts ought to have been reserved for persons suffering from blindness or low vision. Thus, there is a complete violation of the provisions of the 1995 Act on the part of the State Government. The learned counsel appearing for the respondent-State Government seeks time to take instructions from the State Government.

With a view to find out a solution to ensure that the appellant does not suffer any injustice, list on 25th September, 2024 as a part-heard matter.

Civil Appeal Nos.11353-11354 of 2013

List on 25th September, 2024.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER