

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/WRIT PETITION (PIL) (WRIT PETITION (PIL)) NO. 46 of 2023**

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NATIONAL FEDERATION OF THE BLIND

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR SK RUNGTA LD SR. ADVOCATE with MS. KRUTI M SHAH(2428) for the
Applicant(s) No. 1

MR KAMAL TRIVEDI LD ADVOCATE GENERAL with MR KRUTIK PARIKH and
MR VINAY VISHEN ASSISTANT GOVERNMENT PLEADERS for the Opponent(s)
No. 1,2

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***CORAM: HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA
AGARWAL***

and

HONOURABLE MR. JUSTICE PRANAV TRIVEDI

Date : 22/11/2024

ORAL ORDER

(PER : HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA AGARWAL)

Heard the learned counsels for the parties and perused the record.

2. In compliance of the order dated 04.10.2024 passed by this Court, the affidavit dated 20.11.2024 of the Chief Secretary, State of Gujarat has been filed to bring on record the computation of vacancies of persons with benchmark disabilities prescribed under the Rights of Persons with Disabilities Act, 2016 (hereinafter referred to as the "Act, 2016"), as against the total sanctioned cadre strength in the existing posts in all '27' Government Departments/Undertakings. After collection of data from different departments, total 21,114 posts have been

worked out to be filled up as backlog vacancies out of the 4% quota of reservation for persons with benchmark disabilities under the Act, 2016. The chart indicating department-wise vacancies giving total cadre strength of the direct recruitment in all cadres, 4% posts of total cadre strength distributed amongst identified categories of disabilities ('a', 'b', 'c', 'd' & 'e') as per Section 34 of the Act, 2016, category-wise posts filled with Persons with Disabilities categories (PWDs) category out of four criteria and the resultant vacancies in Column (6) are given in the chart appended as Annexure-'I' for all 27 departments of the State Government and its Undertakings.

3. Mr. S. K. Rungta, learned Senior Advocate assisted by Ms. Kruti Shah, learned advocate for the petitioner states that he does not propose to join on the issue of computation of the vacancies of PWD category which are identified as backlog vacancies and are to be filled up as per the instructions issued by the Government as per the Circular dated 11.11.2024 wherein time period of one year beginning from 01.12.2024 has been laid out for filling up all backlog vacancies by different departments at different levels.

4. Mr. Kamal Trivedi, learned Advocate General appearing for the State respondent, however, would submit that the time period of one year was worked out in anticipation of the backlog vacancies being around 10,000 and the Officials of the Secretariat did not apprehend the

figures of vacancies being double the expected number. Mr. Trivedi, learned Advocate General has, thus, prayed for more time, about two years for completion of the process for filling up backlog vacancies, identified for 27 departments of the State Governments/Undertakings, to the tune of 21,114 posts.

5. Mr. S.K. Rungta, learned Senior Advocate, however, raises an objection with regard to the prayer for extension of time and would submit that the process should start and at any stage, if the concerned authorities facing any difficulty, they may always approach the Court for extension of time.

6. Taking note of the above submissions, we may go through the chart appended as Annexure-'I' to the affidavit of the Chief Secretary which aligns the vacancies of different Government Departments. The vacancies pertain to the different departments of the State Government as well as State Government Undertakings for which there are different recruiting agencies. Some of the recruitment process is to be conducted by the General Administration Department (GAD) itself and some through the Gujarat Public Service Commission (GPSC) as also the Gujarat Sub-ordinate Service Selection Board. The vacancies identified are to be notified to the recruiting agencies as indicated in the Circular dated 11.11.2024 within a period of one month by 31.12.2024. From the table given in the Circular dated 11.11.2024, it

seems that the time mentioned therein for completion of the process of selection is sufficient. However, the process of selection since has to be conducted by the different recruiting agencies there may be some over spilling of the time contemplated in the Circular.

7. Balancing the concern of the learned Advocate General and the learned Senior Advocate appearing for the petitioner, we only provide that all endeavours shall be made by the concerned Government Department to notify the vacancies to the recruiting agencies within the time period provided in the Circular dated 11.11.2024 and the recruiting agencies shall make an endeavour to complete the process of selection in a time bound manner. In case of any inconvenience or delay occurred in the process, it would be open for the concerned authority to approach this Court for extension of time. We hope and trust that the recruitment process will be brought to their logical end in a time bound manner as undertaken by the Chief Secretary of the State in the affidavit filed before us.

With the above, the writ petition stands disposed of.

(SUNITA AGARWAL, CJ)

(PRANAV TRIVEDI,J)

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