



HIGH COURT OF JUDICATURE FOR RAJASTHAN BENCH AT JAIPUR

D.B. Civil Writ Petition No. 18386/2019

Kaushalya, D/o Dungarmal, W/o Vikas, Aged About 28 Years,
R/o Sawloda Ladkhani, Via Khudi Badi, District Sikar (Rajasthan)

----Petitioner

Versus

1. State Of Rajasthan, Through Additional Chief Secretary,
Department Of Elementary Education, Secretariat, Jaipur
2. Director, Elementary Education, Rajasthan, Bikaner
3. Board Of Secondary Education, Rajasthan, Ajmer Through
Secretary
4. Commissioner, Persons With Disability, Department Of
Social Justice And Empowerment, G-B/1, Vishesh
Yogyajan Bhawan, Near Hotel Raj Mahal, Residency Area,
Jaipur
5. National Council For Teachers Education, Through Its
Chairperson, Hans Bhawan, Wing Ii, 1, Bahadur Shah
Zafar Marg, New Delhi

----Respondents

For Petitioner(s)	:	Mr. Anoop Dhand
For Respondent(s)	:	Mr. MS Singhvi, AG
		Mr. Darsh Pareek
		Mr. Parag Rastogi through VC
		Mr. VK Gupta

**HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SATISH KUMAR SHARMA**

Order

16/02/2021

1. The present writ application has come to be filed by the petitioner seeking a direction to the State of Rajasthan to include persons with locomotive disabilities as well as who are hard of hearing (hearing impairment) under the category of reservation for the purpose of induction as employee under the Rights of



Persons with Disabilities Act, 2016 (hereinafter referred to as the "Act of 2016").

2. Heard learned counsel for the respective parties.
3. Learned counsel for the petitioner submits that this Court had an occasion to deal with such issue in the case of blind applicants in the case of State of Rajasthan Versus Vikas Kumar Agarwal, DB SAW No. 1484/2012 decided on 02.07.20213 and pursuant to the directions of this Court, the State of Rajasthan has carried out necessary amendments in the notification and included blind people in the area of reservation for recruitment of Primary School Teachers. Result of the aforesaid circumstances led to the petitioner not being considered as reserved category for a post reserved under the Act of 2016.
4. Learned Advocate General has produced the notification and submitted that in terms of the notification issued by the State of Rajasthan, the petitioner cannot be given the benefit of reservation or consideration of posting under the Act of 2016 since persons with hearing impairment cannot be inducted as Primary School Teachers.
5. Learned counsel for the petitioner on the other hand placed reliance on the recent notification issued by the Union of India dated 04.01.2021 notified by the Ministry of Social Justice and Empowerment in terms of which identified posts are to be reserved for persons with disabilities after review of such list.
6. Learned counsel asserts that in so far as serial No. 1520 is concerned, Primary School Teachers, other persons with hard of hearing (HH) have been included for the purpose of consideration



for appointment and reasons thereof have been stated in the said notification.

7. In the circumstances, we are of the considered view that the State of Rajasthan shall consider amending its earlier notification and to bring it in line with the suggestions made by the Union of India to the extent it intends to do so and without expressing any opinion in this regard, we call upon the State Government to issue necessary modified notification under the Act of 2016 and shall reconsider the applicability of the notification issued by the Union of India in all the various departments of the State of Rajasthan within a period of three months from today. We hope and trust that the State of Rajasthan will take an early decision in this regard as the circumstances merit.

8. In view of above, the petitioner is not entitled to any relief before the decision of the State Government to be taken in light of the said notification dated 04.01.2021 issued by Union of India.

Therefore, the present writ petition is hereby dismissed.

(SATISH KUMAR SHARMA),J (INDRAJIT MAHANTY),CJ

RAHUL CHHIKARA / BMG 76