

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 16TH DAY OF NOVEMBER 2012

: PRESENT :

THE HON'BLE MR.VIKRAMAJIT SEN, CHIEF JUSTICE

AND

THE HON'BLE MRS.JUSTICE B.V.NAGARATHNA

WRIT PETITION No.10223/2012 C/W

WP Nos.17942/2010, 38200/2011 & 9821/2012 (S-RES)

In WP No.10223/2012 :

BETWEEN:

KARNATAKA STATE SPINAL INJURY ASSOCIATION
NO.111/1A, 7TH CRCSS, 5TH MAIN ROAD,
CHAMARAJAPET, BANGALORE 560 018
REP. BY ITS SECRETARY
NAGENDRA KUMAR B N.

... PETITIONER

(BY SMT. BHAVANA A, ADV.)

AND:

1. THE SECRETARY
DEPARTMENT OF WOMEN AND CHILD
DEVELOPMENT, M S BUIDLING, BANGALORE -1.
2. DIRECTOR
DEPARTMENT OF WOMEN & CHILD DEVELOPMENT
M S BUILDING, BANGALORE - 01.
3. THE SECRETARY
KARNATAKA PUBLIC SERVICE COMMISSION
BANGALORE - 01.
4. PRINCIPAL SECRETARY
DEPARTMENT OF PERSONNEL AND

ADMINISTRATIVE REFORMS
VIDHANA SOUDHA, BANGALORE – 01.

... RESPONDENTS

(BY SRI S. VIJAY SHANKAR, ADVOCATE GENERAL, A/W
SRI R. DEVDAS, AGA FOR R1, R2 & R4,
SRI P.S. RAJAGOPAL, SR. CL. FOR SRI REUBEN JACOB, ADV.
FOR M/S JACOB & CO., ADV. FOR R3.)

WRIT PETITION FILED UNDER ARTICLES 226 AND 227
OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE
THE IMPUGNED NOTIFICATION AND TO PROVIDE 3%
RESERVATION FOR THE POST OF PROBATION OFFICER
GRADE-1 GROUP B AND PROTECTION OFFICER-GROUP B
GOVERNMENT OF KARNATAKA, TO BRING IN CONFORMITY
WITH THE PERSONS WITH DISABILITY (EQUAL OPPORTUNITY,
FULL PARTICIPATION AND PROTECTION OF RIGHTS) ACT
1995 AND THE KARNATAKA CIVIL SERVICES RECRUITMENT
RULES 1977 (ANNEXURE A), ETC.

In WP No.17942/2010

BETWEEN:

NATIONAL FEDERATION OF THE BLIND
HAVING ITS REGISTERED OFFICE AT PLOT NO.
P 21, SECTOR 6, M B ROAD, PUSHPAVIHAR,
NEW DELHI-110017, HAVING ITS KARNATAKA
STATE BRANCH AT: NO.18, 14TH CROSS,
CHOLURUPALYA, BANGALORE -560023 REP BY
ITS GENERAL SECRETARY MR NAGARAJ H.

... PETITIONER

(BY SMT. JAYNA KOTHARI, ADV.)

AND:

1. THE SECRETARY
DEPARTMENT OF PERSONNEL AND ADMINISTRATIVE
REFORMS, STATE GOVERNMENT OF
KARNATAKA NO.32, VIDHANA SOUDHA
BANGALORE 560 001.
2. THE DIRECTOR
DEPARTMENT FOR THE WELFARE OF THE
DISABLED, GROUND FLOOR, PODIUM BLOCK,
V V TOWERS, DR. AMBEDKAR VEEDHI
BANGALORE 560 001.
3. THE PRINCIPAL SECRETARY
DEPARTMENT OF WOMEN & CHILD DEVELOPMENT
GOVERNMENT OF KARNATAKA
M S BUILDING, NEAR K R CIRCLE
DR AMBEDKAR VEEDHI
BANGALORE 560 001.
4. THE COMMISSIONER FOR DISABILITIES
NO.40, THAMBUCHETTY ROAD, COX TOWN,
BANGALORE 560 005.
5. THE MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT
GOVERNMENT OF INDIA
ROOM NO.639, 'A' WING,
SHASTRI BHAWAN, DR RAJENDRA
PRASAD ROAD, NEW DELHI - 110001
REPRESENTED BY ITS DIRECTOR.

... RESPONDENTS

(BY SRI VIJAYSHANKAR, ADVOCATE GENERAL, A/W
SRI R. DEVDAS, AGA FOR R1 TO R 4.
SRI KALYAN BASAVARAJ, ASG FOR R5.)

WRIT PETITION FILED UNDER ARTICLES 226 AND 227
OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE

THE NOTIFICATION DT.3.8.09, ANNEXED HEREWITH AS ANN-D, ISSUED BY R1 ETC.

In WP No.38200/2011

BETWEEN:

THE COMMISSIONER FOR PERSONS WITH DISABILITY
OFFICE OF THE COMMISSIONER FOR PERSONS
WITH DISABILITY, REP.BY SRI K V RAJANNA,
AGED 46 YEARS, NO.40, THAMBU CHETTY STREET,
COX TOWN, BANGALORE - 560 005.

... PETITIONER

(BY SMT. P ANU CHENGAPPA, ADV.)

AND:

1. THE COMMISSIONER AND CHAIRMAN
DEPARTMENT SELECTION COMMITTEE
DEPARTMENT OF THE SURVEY
SETTLEMENT AND LAND RECORDS
K R CIRCLE, BANGALORE - 560 001.
2. KARNATAKA PUBLIC SERVICES COMMISSION
BY ITS SECRETARY
OFFICE OF THE KARNATAKA PUBLIC
SERVICES COMMISSION, "UDYOGA SOUDHA"
BANGALORE 560 001.
3. STATE OF KARNATAKA
BY ITS CHIEF SECRETARY
MULTISTOREYED BUDILING,
AMBEDKAR VEEDI, BANGALORE 560 003.

... RESPONDENTS

(BY SRI P.S. RAJAGOPAL, SR. CL A/W
SRI RUBEN JACOB, ADV. FOR R2,
SRI S. VIJAY SHANKAR, ADVOCATE GENERAL, A/W

SRI R. DEVDAS, AGA FOR R1 & R3.)

WRIT PETITION FILED UNDER ARTICLES 226 AND 227
OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE
NOTIFICATION DT. NIL PRODUCED HEREIN AS ANN-A, ETC.

In WP No.9821/2012

BETWEEN:

ZILLA SARKARI ANGAVIKALA NOUKARARA
AND SAMASTHA ANGAVIKALARA
KSHEMABRUDI SANGA
BEHIND DISTRICT COURT, SHIVAMOGA,
REPRESENTED BY ITS SECRETARY
ASHOK KUMAR.

... PETITIONER

(BY SRI S N BHAT, ADV.)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS CHIEF SECRETARY
VIDHANA SOUDHA, BANGALORE.
2. KARNATAKA PUBLIC SERVICE COMMISSION
UDYOGA SOUDHA, BANGALORE
REPRESENTED BY ITS SECRETARY.

... RESPONDENTS

(BY SRI P.S. RAJAGOPAL, SR. CL. FOR
SRI RUBEN JACOB, ADV. FOR R2,
SRI S. VIJAY SHANKAR, ADVOCATE GENERAL, A/W
SRI R. DEVDAS, AGA FOR R1.)

WRIT PETITION FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A DIRECTION TO R2 TO TREAT ALL CATEGORIES OF DISABLED PERSONS EQUALLY AND FURTHER ISSUE A WRIT OF CERTIORARI QUASHING THE ORDER DATED 22.11.02 VIDE ANNEX-B AND FURTHER THE NOTIFICATION DATED 5.9.2005 VIDE ANNEX-C & ALSO DIRECT THE RESPONDENT THAT THERE SHALL NOT BE ANY INTERNAL RESERVATION TO THE DIFFERENT CASTE IN THE POST RESERVED FOR PHYSICALLY HANDICAPPED PERSONS, ETC.

THESE WRIT PETITIONS COMING ON FOR PRELIMINARY HEARING THIS DAY, CHIEF JUSTICE MADE THE FOLLOWING:

O R D E R

Vikramajit Sen, CJ (Oral)

We record our appreciation for the diligence with which the State Government has responded to the needs of the persons with disabilities so far as State employment is concerned. By virtue of the notification dated 7.9.2012 the Government of Karnataka has adopted mutatis mutandis with regard to Group A and B posts that have been identified by the Central Government which will be amenable for recruitment by persons with disabilities. A

similar exercise has been made with regard to Group C and D posts vide notification dated 9.10.2012.

2. Learned counsel for the Petitioners point out that there are several posts in the State Government which do not correspond to any posts contained in the Central Government list. The notification states that these posts shall be referred to an Expert Committee for the purpose of completion of a similar exercise so far as the suitability of recruitment of persons with disabilities is concerned. Learned Advocate General appearing for the State of Karnataka assures us that the Expert Committee will proceed with great expedition and compassion so far as its deliberations and decisions on these posts which are unique to the State Government, are concerned. We expect that this exercise shall be completed within six months from today so that persons suffering from disabilities and who can be eligible for the reservations carved out by the Act so far as the posts in the State Government are concerned, may not permanently lose the

benefit/opportunity of employment with the State Government.

3. Learned counsel for the Petitioners state that they, on their part, shall identify the posts available in the State Government which can be filled up by persons with disabilities as envisaged under the Act. The learned Advocate General states that the Expert Committee shall react positively to such suggestions.

4. Learned Advocate General as well as the learned senior counsel appearing for the Karnataka Public Service Commission state that there shall be no difficulty in extending the reservations/benefits to persons with disabilities even so far as the Public Sector Undertakings, Universities, Aided Institutions and autonomous/statutory bodies coming within the purview of Article 12 of the Constitution. Further, the aids and appliances which are to be supplied to persons with disabilities as per the

Central List shall also be adhered to by the State Government.

5. We have to keep the general interest of the public in view. On 2.8.2012 we have directed maintenance of status quo in respect of recruitments which were then in the pipeline. Those interim orders are recalled. The learned senior counsel appearing for the Karnataka Public Service Commission rightly submits that if all the posts available for recruitment by persons with disabilities are not filled up in the ensuing recruitment, so far as the provisional list already drawn up, shortfall will inevitably be made up in the next recruitment. We think that adoption of this process will be in the overwhelming interest of the public at large and, therefore, permit recruitment to continue from the stage at which it was on 2.8.2012.

6. In view of this order and the response of the State Government and other Authorities, no further attention

needs to be given to these P.I.Ls. The petitions stand disposed of accordingly.

Sd/-
CHIEF JUSTICE

Sd/-
JUDGE

ckc/-