IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of decision: 06.10.2016

CWP No.21198 of 2016

Dezy Rani & another   ...Petitioners

Vs.

State of Haryana & others   ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Ms. Anju Arora, Advocate,
              for the petitioners.

RAJIV NARAIN RAINA, J. (ORAL)

In CWP No.20573 of 2016 titled 'Gurvinder Kaur Vs. State of Haryana & others' decided on 30.09.2016, I passed the following order:

"Notice of motion.

On the asking of the Court, Mr. Harish Rathee, Sr. DAG, Haryana, accepts notice on behalf of the respondents and waives service on them. Mr. Karan Singh has handed over a copy of the petition to Mr. Rathee in Court.

The petitioner is a polio victim and suffers 70% locomotor disability. She teaches school. She has been transferred from Government Senior Secondary School, Radaur, Block Radaur, District Yamunanagar to Government Senior Secondary School, Haripur Kamboj, Block Jagadhri, District Yamunanagar, which is 12 Kms. away and in a rural area where public transport is hard to get by. Radaur is a town while Haripur Kamboj is a suburban village. The petitioner made a representation to the authorities on 22.08.2016 (Annex P-8), which has not received attention.

Learned counsel relies on a decision of this Court rendered in CWP No.16119 of 2016 titled 'Pardeep Singh & others Vs. State of Haryana & others' on 09.09.2016 relating to blind Teachers, but the observations made in the order regarding persons suffering from disability would broadly apply to this case. Learned counsel submits that his client would be satisfied if the representation (Annex P-8) is paid

due attention by the competent authority for which he prays for a direction for a decision on her representation at an early date.

The request is fair and deserves to be accepted and will save much time in prolonged litigation if notice is issued to the State to receive its response. Therefore, the competent authority would look into the grievance of the petitioner as set out in the representation and decide the same sympathetically so as not to cause any physical distress to the petitioner and that she continues as far as possible to reside at Radaur to access the workplace and at the same time look after her husband and children. This Court has no doubt that the competent authority will look at the matter holistically and sympathetically and pay due regard to the physical condition of the petitioner and take a just and appropriate decision in the matter.

Having regard to the fact that admittedly the petitioner has joined at the new place of posting at Haripur Kamboj in obedience to the transfer orders, her stay in the place of posting will remain co terminus with the date of decision, which must be taken within a period of 7 days from the date of receipt of certified copy of the order. In case, the decision is in favour of the petitioner she would be posted back to her previous school. In case the decision is against her she would be at liberty to approach this Court again for hearing of her case on merits.

With these observations and directions, the petition stands disposed of."

In this petition, petitioner No.1 suffers from 90% disability afflicted by poliomyelitis, which has left her for a lifetime on a wheel chair, while petitioner No.2 is 100% disabled and can stand only with assistance. Both these disabilities form a 'special class' within the scheme of reservation as against other disabilities which qualify for concessions and rights under the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

I have already considered these aspects in CWP No.16119 of 2016 titled 'Pardeep Singh & others Vs. State of Haryana & others' decided on 09.09.2016, which need not reiteration.

Consequently, the instant petition is disposed of in terms of the order reproduced above, but with necessary changes as are *mutatis mutandis*.

06.10.2016   **[RAJIV NARAIN RAINA]**
Vimal   **JUDGE**

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*