

CASE NO.:
Appeal (civil) 6168 of 2001

PETITIONER:
Bhudev Sharma

RESPONDENT:
District Judge, Bulandshahr & Anr

DATE OF JUDGMENT: 31/10/2007

BENCH:
A.K. Mathur & Markandey Katju

JUDGMENT:
J U D G M E N T

MARKANDEY KATJU, J.

1. This appeal has been filed against the impugned judgment of the Allahabad High Court dated 23.05.2001 in Special Appeal No. 445 of 2001. Heard learned counsel for the parties and perused the record.
2. The appellant is a blind man. He appeared in the recruitment test held in the year 1992 for selecting candidates for Class-III Posts in Bulandshahr Judgeship in U.P. However, he was not selected and hence he filed a writ petition which was allowed by a learned Single Judge of the Allahabad High Court by his judgment dated 25.09.1997. Against that judgment the State Government filed a letters patent appeal which has been allowed by the impugned judgment by the Division Bench. Hence this appeal.
3. The appellant has relied on G.O. dated 26.08.1993 which is Annexure P-I to this appeal. That G.O. states that the U.P. Government has reserved 2 per cent posts for physically handicapped persons for direct recruitment in all groups of Government services. The physically handicapped persons are those who are blind, deaf and dumb and otherwise handicapped. There were altogether 30 posts for which the selection was held. 2 per cent of 30 is 0.6. Since 0.6 is more than half we round it off and hold that one out of the 30 posts is reserved for physically handicapped persons. Since there was no other physically handicapped person who applied, in our opinion, the appellant was entitled to the post reserved for physically handicapped persons.
4. In this view of the matter, the appeal is allowed, the impugned judgment of the Division Bench is set aside and it is directed that the appellant be appointed on a Class-III Post in Bulandshahr Judgeship forthwith.
5. We are informed that the appellant is already working on the post in view of the interim order of this Court. Hence he shall be regularized and allowed to continue working as a regular Class-III employee and shall be given all the consequential benefits.