

WP(C) 1474/2017

BEFORE

HON'BLE MR.JUSTICE NELSON SAILO

Heard Ms. S Bhuyan, learned counsel for the petitioner and Mr. D Nath, learned State counsel for all the respondents.

The case pertains to non-consideration of the petitioners for promotion to the post of Junior Assistants by the respondents on account of the petitioners belonging to the physically disabled (visually challenged) category. The learned counsel for the petitioners submit that they are eligible to be promoted to the post of Junior Assistants in terms of the enactment of Persons with Disabilities Act, 1955 adopted by the State and also in terms of the judicial pronouncement by the Hon'ble Apex Court in the case of Rajiv Kumar Gupta & Ors -vs- Union of India & Ors which was decided on 30.6.2016 which was registered as WP (C) No. 521 of 2008. She further submits that vide communication dated 17.3.2016, the Commissioner for Persons with Disabilities, Assam (respondent No.3) had communicated to the respondents No.2, Director of Food and Civil Supply not to deny promotion to the eligible candidates on the ground of their disability. However the respondent authorities have promoted as many as three persons to the post of Junior Assistants and which according to the petitioners are junior to them.

In view of above, learned State counsel shall obtain instruction on the next date. List the case again on 5.4.2017 for motion. Status quo as to filling up of any other vacancy in the meantime shall be maintained till the next date.