

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 2563 of 2022**

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VIJAYKUMAR CHAMANBHAI RAVAL

Versus

GUJARAT SUBORDINATE SERVICES SELECTION BOARD

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Appearance:

MR RD DAVE(264) for the Petitioner(s) No. 1

for the Respondent(s) No. 1,3

ADVANCE COPY SERVED TO GOVERNMENT PLEADER/PP for the

Respondent(s) No. 2

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CORAM: HONOURABLE MR. JUSTICE BIREN VAISHNAV**Date : 03/02/2022****ORAL ORDER**

Heard Mr. R.D. Dave, learned counsel for the petitioner through Video Conferencing.

The petitioner has a loco-motor disability. As per the disability certificate, he has 41% disability, inasmuch as, suffers from right knee arthritis. An advertisement was published for appointment to the posts of Additional Assistant Engineer (Civil) Class-III, initially 3 posts were meant for persons having disability (OL), the abbreviated term for one leg. Subsequently one more vacancy was added by amended notification (Page 45).

When the select list came out, what appears in the submission of Mr. Dave is that the candidates appearing at Sr. Nos.54, 97, 114 and 143 were candidates selected as (PH-O). In other words, under the category physically handicapped – Orthopedic. The contention of learned counsel for the petitioner is that once having specifically advertised and notified the post as reserved for OL, appointments or the select list could not have figured candidates as aforesaid in a general terminology of physically handicapped – Orthopedic. Reliance is placed on a notification of the Government of Tripura which specifically categorizes loco-motor disability which includes OL.

Even list of candidates appointed by the ONGC would indicate that the specified category of physically handicapped that is 'One leg,' which was advertised, was made explicit in the merit list of the candidates selected against that category. Similar is the case in the select list for the Gujarat Panchayat Services Selection Board, Ahmedabad in the year 2017. In the other words, the contention of the learned counsel for the petitioner is that having specifically reserved the posts for physically handicapped candidates for OL (One leg category), the merit list could not have names figured at Sr. Nos.54, 97,

114 and 143 who were categorized in a General physically handicapped (Orthopedic).

Issue **NOTICE** to the respondents, returnable on 22.2.2022.

Appointment, if any made, shall be subject to the outcome of the petition.

Direct Service, **today**, is permitted.

VATSAL S. KOTCHA

[**BIREN VAISHNAV, J.]**