

Item No.D-13

Court on its own motion vs. State of Himachal Pradesh and others a/w connected matters

CWPIL No. 12 of 2019 a/w CWP No.919 of 2026

23.07.2026 Present: Ms. Devyani Sharma, Senior Advocate, as *Amicus Curiae* with Mr. Shivam Sharma, Advocate.

Mr. Deven Khanna and Ms. Priya Sharma, Advocates, for the applicant in CMP No. 1335 of 2026.

Ms. Priyanka Chauhan, Deputy Advocate General, for the respondents/State.

Mr. Balram Sharma, Deputy Solicitor General of India with Mr. Rajeev Sharma, Advocate, for respondent No. 4/Union of India.

Ms. Shradha Karol, Advocate, for respondent No.5-High Court of Himachal Pradesh.

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Mr. Balwant Singh Thakur, Advocate, for the petitioners.

Ms. Priyanka Chauhan, Deputy Advocate General, for the respondents/State.

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Compliance affidavit on behalf of the State dated 16.05.2026 has been filed. As per the affidavit, it is apparent that independent State Commission for the Persons with Disabilities has not been created and is stated to be under consideration of the State Government. Resultantly, no separate establishment or infrastructure by dedicating staff has been created.

2. Learned Additional Advocate General further submits that no case is pending for the year, 2025 and now one case is pending in the year, 2026.

3. Mr. Deven Khanna, learned Advocate submits that delegation of such powers to the Director Empowerment of SC's, OBC's, Minorities and the Specially Abled (ESOMSA in short), Himachal Pradesh, as per the notification dated 18.06.2024 is not sustainable, as it is for the State Commission for the Persons with Disabilities to do the said exercise. It is further pointed out that the vacancies of the Class-IV employees and the status of their filling up etc. is not being specified by the State so that appropriate steps can be taken for filling up such posts, especially regarding the persons suffering from blindness.

4. Mr. Khanna, learned counsel has also pointed out regarding the meeting held on 19.06.2026 under the Chairmanship of the Minister for Social Justice & Empowerment, Himachal Pradesh with the Blind Persons Association Himachal Pradesh and National Federation of Blind regarding the filling up of the said posts.

5. Accordingly, let affidavit be filed by the Director Empowerment of SC's, OBC's, Minorities and the Specially Abled (ESOMSA in short), Himachal Pradesh, depicting as to whether further progress has been made for filling up the Class-IV posts from the Blind Category.

6. Learned Deputy Advocate General prays for time to file affidavit accordingly, as in the affidavit now filed, it has been mentioned that 172 posts are being filled up by virtue of various advertisements. However, the affidavit does not depict the

complete picture as such, as to the date of the advertisements and the status of the filling up of such posts.

7. Resultantly, fresh affidavit be filed by the Director Empowerment of SC's, OBC's, Minorities and the Specially Abled (ESOMSA in short), Himachal Pradesh.

8. Learned *Amicus Curiae* has pointed out, by referring Page-285 of the paper book, that there is M.R. Home Hiranagar, Hostel and School Building, Shimla which is being raised as such and the building suffers from various defects regarding not being friendly for Disabled Persons due to lack of ramps and handrail etc. making it not usable for the disabled persons and frustrating the whole purpose of raising the building.

9. Accordingly, the State shall also clarify the said aspect regarding M.R. Home Hiranagar, Hostel and School Building, Shimla in the affidavit.

10. Affidavit has also been filed on behalf of the Registrar General of this Court, giving details as such of the difficulties being faced in Court complex. It has been stated that the Accessibility Committee at High Court Level already exists in the Registry, however, no Officer has yet been nominated as Accessibility Auditor. The details have also been given regarding various Court buildings and not only at District level but also at Sub Division level, as to in fact they are accessible or not, for the Disabled Persons, whether ramps and lifts are in place. The factum of such proposal on various counts like

proposals for lifts and ramps etc. have also been mentioned in the said affidavit.

11. Accordingly, proceedings are deferred for **31.08.2026**.

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12. Short reply stands filed. Counsel for the petitioners seeks time to file rejoinder.

13. Let the rejoinder be filed on or before the next date of hearing.

(G.S. Sandhawalia)
Chief Justice

(Bipin C. Negi)
Judge

July 23, 2026 (KS)