



**Smt. Reena Shrivastava versus State of
Himachal Pradesh and others**

CWPOA No. 6943 of 2019

14.10.2025 Present: Mr. Dilip Sharma, Senior Advocate with
Mr. Manish Sharma, Advocate for the
petitioner.

Mr. Hemant Kumar Verma, Deputy
Advocate General for the respondents-
State.

Grievance of the petitioner is that the
Registrar Co-operative Societies initiated a Special
Drive for recruiting person as disability against
three posts of Clerk which included visual
impaired, hearing impaired, locomotor and ortho
handicapped i.e. one post each.

2. Pursuant to the Advertisement,
applications were invited up to 15.02.2014,
[Annexure A-1]. Respondents initiated the process
for typing test on 06.06.2015, [Annexure A-2]. The
petitioner was made to undergo BERA
Examination on 02.12.2015, [Annexure A-4],
pursuant to which the petitioner was examined by
the ENT Department of Indira Gandhi Medical
College and Hospital Shimla on 2.12.2015
[Annexure A-5] and was issued a temporary



disability certificate to the extent of 40% disability on 03.11.2015 [Annexure A-6] by the State Medical Board, Deendayal Upadhyay Zonal Hospital, Shimla. Thereafter, the State Authorities continued the selection process by fixing the date of interview on 30.11.2015, [Annexure A-7], which was rescheduled to 22.12.2015 [Annexure A-8]. On 28.12.2015, Senior Medical Superintendent, Deendayal Upadhyay Zonal Hospital, Shimla addressed a communication to the Indira Gandhi Medical College and Hospital Shimla on 28.12.2015, [Annexure A-9] to specify as to whether the BERA examination revealed the permanent disability or temporary disability. Pursuant to this, IGMC Shimla constituted a fresh Medical Board on 04.01.2016 [Annexure A-10] and based on the examination, IGMC Shimla submitted the Medical Boards Report on 04.01.2016, [Annexure A-12], which reads as under:

“Indira Gandhi Hospital Shimla-171001
No.HFW(MS) G-34/2015--- Dated Shimla 1, the



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MEDICAL BOARD'S REPORT

The Medical Board of the following doctors was constituted to examine Smt. Reena Shrivastava W/o Sh. Shailendra Vastava R/o Kasumpati Shimla-9 on 04.01.2016 at 2:30 PM in the office of the Chairman Member Medical Superintendent, IG Hospital, Shimla.

Dr. Ramesh Chand Sr. Medical Superintendent Indira Gandhi Hospital Shimla	Chairman
Dr. R.S. Minhas Assoc. Professor, Department of ENT, IGMC, Shimla	Member
Dr. Jagdeep Singh Thakur Asstt. Professor, Deptt. Of ENT, IGMC Shimla	Member

The Medical Board has examined Smt. Reena Shrivastava 04.01.2016 and is of the opinion that she is suffering from Bilateral Mixed Sensory Neural (S.N) hearing loss. The S.N. component of these hearing losses adequate enough and is irreversible so that the patient can be given permanent disability because this S.N. component cannot be treated with surgery.

-Sd-
Dr. Jagdeep Singh Thakur
Member

-Sd-
Dr. R.S. Manhas
Member

-Sd-
Dr. Ramesh Chand
Chairman

3. Based on the Medical Examination conducted on 04.11.2016 and the Medical Report of the said date issued vide Annexure A-12, the Chairman State Medical Board, DDU Zonal Hospital Shimla issued the Medical Certificate on 07.01.2016 [Annexure A-3], the extract is as under:

No.HFW-SML(MS)/MB/2005-- Dated 07.01.2016

**MEDICAL CERTIFICATE FOR PERSONS WITH
DISABILITY**



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Certified that the State/District Medical Board at
State/Zonal/District Hospital

D.D.U Zonal Hospital H.P. examined the candidate, whose
signature and particulars are given below.

Name..... Reena Shrivastava.....w/o Shailendra Shrivastava
Age 40 years.....Sex Female Vill. Kasumpti, Parimahar,
Kasumpati, Tehsil Shimla District Shimla (HP).

Nature of Disability

Permanent Temp: 40% (Forty percentage)

-Sd-

Chairman-cum-Medical-
Superintendent
DDU ZH Shimla.

4. After the issuance of Medical Certificate dated 07.01.2016, the petitioner submitted a representation on 12.01.2016 [Annexure A-14] informing the Registrar Cooperative Societies of the issuance of permanent disability certificate with the request to consider her case for appointment as Clerk against the hearing impaired post of Clerk, as per the Recruitment notice Annexure A-1. Despite representations, nothing was done in the matter. In Para 4.12 of the writ petition, the petitioner has set up a specific case, which reads as under:

“That during first week of February, 2016
appointment was offered by respondent No.2



to the candidates belonging to Visually Impaired and Orthopedically Handicapped category candidates. However, no appointment has been offered against the one post of "Hearing Impaired" category, against which applicant was the only candidate."

5. Based on the above factual matrix, the claim of the petitioner is that once in pursuance to the recruitment notice issued in February, 2014 [Annexure A-1], one post of Clerk was meant for hearing impaired incumbents and the petitioner was certified to be permanent disabled to the extent of 40% with hearing disability, as per the Medical Boards Report dated 04.01.2016 [Annexure A-12] and the Medical Certificate issued by the Competent Authority i.e. Chairman, State Medical Board-cum-Medical Superintendent DDU, Zonal Hospital Shimla on 07.01.2016, [Annexure A-13] and the petitioner had apprised the Registrar Co-operative Societies about her permanent disability, then it is contended by Learned Senior Counsel that once other disabled category incumbents in terms of the recruitment notice were given appointment in February, 2016, there



was no occasion for the State Authorities not to process the case of the petitioner for consideration and upon consideration and fitness for resultant appointment. It is further contended that the denial of consideration has resulted in depriving the petitioners of the equal opportunity of being considered for employment, as given to other persons with disability as in the recruitment notice which was asserted to be discriminatory, arbitrary and not in spirit of Article 14 and 16 of the Constitution of India.

6. Per contra, Learned State Counsel has relied upon the Reply-Affidavit. Para 6 of the Reply-Affidavit indicates that the petitioner could not produce valid disability certificate at the time of interview on 22.12.2015 and, therefore, she was not considered for selection for the post by the Special Selection Committee. Para 5 of the Reply-Affidavit indicates that the post of Clerk falling to share of hearing impaired is still vacant with Registrar Co-operative Societies. Even, the averments made in Para 4.12 of the writ petition that other person with disability, as per the



recruitment notice were given appointment by the State Authorities in February, 2016 has not been denied in the Reply-Affidavit. Petitioner had filed a rejoinder wherein, the averments made in the writ petitions were reiterated. Petitioner had further stated that grant of temporary disability despite the aforesaid disability being permanent, had attributed to the non production of the permanent disability certificate which on receipt from the Medical Authorities in IGMC Shimla on 04.01.2016, [*Annexure A-12*] was corroborated by the Chairman of the State Medical Board on 07.01.2016, [*Annexure A-13*] which was admittedly prior to finalization of selection process and issuance of appointment letters in February, 2016 to other persons with disability by ignoring the petitioner.

7. In the above backdrop, Learned State Counsel prays for an adjournment, so as to have a re-look into the entire issue, afresh, in view of the fact that the post of Clerk meant for hearing impaired category is admittedly vacant; coupled with the fact that the petitioner had furnished the



permanent disability certificate revealing her to be 40% hearing impaired on the basis of Medical Report furnished by IGMCI, Shimla, upon which the medical certificate was issued on 07.01.2016, [Annexure A-13]. Even eligibility in terms of qualifications is not in dispute. In these circumstances, as prayed for by Learned State Counsel, the State Authorities are permitted to have a fresh re-look into the entire issue.

8. Pendency of the instant petition shall not be construed as a bar for the State Authorities to re-look into the entire matter and in case, the authorities upon consideration, arrived at a positive conclusion, the prospective benefit of appointment, may also be extended to the petitioner on or before the next date of hearing.

List the matter on **26th November, 2025.**

14th October, 2025
(himani)

(Ranjan Sharma)
Judge