

High Court of Karnataka

Daily Orders of the Case Number: WP 1963/2018 for the date of order 09/02/2018

Honble Justice H.G.RAMESH (AG.CJ) AND P.S.DINESH KUMAR

09/02/2018

Order in WP 1963/2018

This is a Public Interest Litigation by Karnataka Rajya Vikalachetanara Rakshana Samiti, which is a Society registered under the Karnataka Societies Registration Act, 1960.

We have heard learned Counsel appearing for petitioner and learned Counsel appearing for the Union of India.

Learned Counsel appearing for the petitioner, in support of the writ petition refers to Section 37(b) of the Rights of Persons with Disabilities Act, 2016 (□the Act□); Section 37 reads as follows:

□37. The appropriate Government and the local authorities shall, by notification, make schemes in favour of persons with benchmark disabilities, to provide,□

(a) five per cent. reservation in allotment of agricultural land and housing in all relevant schemes and development programmes, with appropriate priority to women with benchmark disabilities;

(b) five per cent. reservation in all poverty alleviation and various developmental schemes with priority to women with benchmark disabilities;

(c) five per cent. reservation in allotment of land on concessional rate, where such land is to be used for the purpose of promoting housing, shelter, setting up of occupation, business, enterprise, recreation centres and production centres.□

The learned Counsel submits that in view of Section 37(b) of the Act, five per cent reservation requires to be given in favour of persons with benchmark disabilities in the matter of appointment of LPG Distributors, but only three per cent reservation is given.

On being asked, the learned Counsel for the Union of India is not able to state on what basis three per cent reservation is given.

The matter requires consideration.

Hence, ad interim stay of all further proceedings pursuant to the Notice for Appointment of LPG Distributors published in The New Indian Express dated 17.08.2017 (Annexure-A) till further orders. List on 19.02.2018.

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