IN THE HIGH COURT OF KARNATAKA AT BANGALORE

(ORIGINAL JURISDICTION)

W. P. NO...../2012

BETWEEN:

Sri. M. Muralidhar PETITIONER

AND

The Karnataka Public Services Commission & Ors. RESPONDENTS

SYNOPSIS

This writ petition is filed by the Petitioner under Article 226 of the Constitution being aggrieved by the action of the Respondents in issuing the Notification No. R(2)907/PSC/2011-2012 dated 18.01.2012 calling for applicants for various posts including the post of District Disabled Welfare Officer without specifically reserving 3 % of the posts for persons with disabilities thereby contravening the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act 1995 and the Karnataka Civil Services (General Recruitment) Rules, 1977 as amended by Notification No. DPAR 50 SRR 2000 dated 03.09.2005. Further the Respondents have failed to include the name of the Petitioner for the post of District Disabled Welfare Officer in the Department for the Empowerment of Differently Abled & Senior Citizens although he possesses all the qualifications necessary including the preferred educational qualification of a Diploma in Special Education. The impugned notification specifically requires that all persons possessing the preferred qualification must be called for a personal interview but despite this stipulation the 1st Respondent has failed to include the name of the Petitioner. Thus, being aggrieved by the action of the Respondents in denying equal opportunities to persons with disabilities such as the Petitioner himself, this writ petition is filed.

LIST OF DATES

Date	Event
01.01.1996	The Parliament enacted the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act 1995
01.04.2004	The Karnataka Government issued Karnataka Welfare of Disabled and Senior Citizen Services (Recruitment) Rules, 2004 via

	Notification No. DPAR/101/SRD/98(P)
03.09.2005	The Karnataka Government issued the Notification No. DPAR 50 SRR 2000 whereby 3% of Group 'A' and 'B' posts in the public sector is to be reserved for disabled persons.
15.08.2006	The Petitioner received his Diploma in Special Education for the Hearing Impaired fromAli Yavar Jung National Institute for the Heraing Handicapped, Mumbai.
03.08.2009	The Government of Karnataka issued the Notification bearing No. DPAR 21 SRR 2008 whereby several posts were identified for persons with disabilities. This notification expressedly identified the post of District Disabled Welfare Officer as suitable for persons with disabilities.
18.01.2012	The 1st Respondent Karnataka Public Service Commission issued the impugned Notification calling for applicant for various posts including the post of District Disabled Welfare Officer for the Respondent No. 4 Department for the Empowerment of Differently Abled& Senior Citizens.
07.02.2012	The Petitioner applicant applies online to the 1st Respondent for the post of District Disabled Welfare Officer.
20.10.2012	The 1st Respondent Commission releases the list of shortlisted applicant for the post of District Disabled Welfare Officer without including the name of the Petitioner and announces the personal interview to be held on 31.10.2012
22.10.2012	Aggrieved by the above list, the Petitioner writes a letter to the KPSC to review the list of persons called for personal interview and be included in the same
22.10.2012	The Petitioner writes represenatations to the Karnataka State Commission for Disabilities to direct the KPSC to include his name in the list of persons called for personal interviews.
30.10.2012	The Petitioner wrote another letter to the KPSC to review the interview list and be included in the same

Bangalore

Date:

Advocate for the Petitioner

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

(ORIGINAL JURISDICTION)

W. P. NO...../2012

BETWEEN:

1. Sri. M. Muralidhar
   S/o Muninarayanappa,
   Aged about 33 years,
   Residing at Jangamaseghally Village,
   Kaiwara Post, ChintamaniThaluk,
   Chikbalapur District – 563128 ...PETITIONER

AND

1. The Karnataka Public Services Commission
   'UdyogaSoudha'
   Bangalore – 560 001
   Represented by itsCommissioner

2. Department for the Empowerment of Differently Abled &Senior Citizens
   Podium Block, Vishveswaraiah Tower,
   Dr. Ambedkar Road, Bangalore-560 001
   Through itsPrincipal Secretary

3. The Department of Women and Child Welfare,
   State Government of Karnataka,
   M.S. Building,
   Bangalore - 560 001
   Represented by its Principal Secretary

4. Department of Personnel and Administrative Reforms,
   State Government of Karnataka
   No. 32, VidhanaSoudha,
   Bangalore – 560 001
   Represented by its Principal Secretary

5. The Commissioner for Disabilities

   No. 40, Thambuchetty Road

   Cox Town, Bangalore – 560 005 ...RESPONDENTS

MEMORANDUM OF WRIT PETITION UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA

The Petitioner above-named most respectfully submits as follows:

1. This writ petition is filed by the Petitioner under Article 226 of the Constitution being aggrieved by the action of the Respondents in contravening various statutory provisions and in not considering the Petitioner's application for the post of District Disabled Welfare Officer in the Department for the Empowerment of Differently Abled & Senior Citizens under the Government of Karnataka. The 1st Respondent. Commission has issued the Notification No. R(2)907/PSC/2011-2012 dated 18.01.2012 calling for applications from interested candidates to fill up vacancies inter-alia for the post of District Disabled Welfare Officer and has not reserved 3% of the aforesaid posts in favour of persons with disabilities, thereby directly violating the provisions of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act 1995.

A. ARRAY OF PARTIES

2. The Petitioner herein is a physically disabled applicant to the post District Disabled Welfare Office falling under the Respondent No. 2Department for the Empowerment of Differently Abled & Senior Citizens.

3. The Respondent No. 1 is the Karnataka Public Services Commission which is the main authority in charge of carrying out recruitments in the public sector

through necessary notifications and conduct of Competitive Examinations, Departmental Examinations etc. The 1st Respondent Commission issued the impugned Notification bearing No.R(2)907/PSC/2011-2012 dated 18.01.2012 calling for applicants for the post of District Disabled Welfare Officer.

6. The Respondent No. 2 is the Department for the Empowerment of Differently Abled & Senior Citizens where the vacancy for the post of District Disabled Welfare Officer arose.

4. The Respondent No. 3 is the Department of Women and Child Welfare and is the nodal department for Respondent No. 2 Department.

5. The Respondent No. 4 is the Department of Personnel and Administrative Reforms whose function is to formulate policies on matters relating to recruitment, promotion and conditions of service, reservation of SC/ST and other backward classes in the civil services and conducting research in personnel administration and cadre management among other functions.

6. The Respondent No. 5 is the authority appointed by the State Government under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act 1995. The Respondent No.5 has among other duties, the duty to safeguard the rights of persons with disabilities and to co-ordinate with the State Government in implementation of laws, rules, bye-laws, regulations, orders, guidelines, etc. issued by the State Government for the welfare and protection of persons with disabilities.

B. BRIEF FACTS

7. It is submitted that the Petitioner herein is a physically disabled person with Locomotor disability of 50% and thus falls within the definition of 'person with

disability' within the purview of the Persons with Disabilities (Equal Opportunities, Protection of Rights, Full Participation) Act, 1995.

(A copy of the Certificate for the Persons with Disabilities issued to the Petitioner and duly signed by the Medical Board is annexed herein and marked as **ANNEXURE – A**)

8. It is submitted that the Respondent No.1 Commission issued Notification No. R(2)907/PSC/2011-2012 dated 18.01.2012 (hereinafter the 'impugned notification') calling for applications to fill the vacancies in various posts.The post of District Disabled Welfare Officer was also sought to be filled up and a total of 10 posts were vacant. The Notification prescribed the following qualification for the said post:

> *"Must possess Masters Degree in Social Work or Master of Arts in Social Work. Preference will be given to persons who have a Diploma in teaching the blind/ deaf/ mentally retarded from an Institution recognized by the Rehabilitation Council of India"*

(A copy of the Notification No. R(2)907/PSC/2011-2012 dated 18.01.2012 issued by the Respondent No.1 Commission is annexed herein and marked as **ANNEXURE – B**)

9. It is submitted that the Petitioner has already been working in the Respondent No. 2 Department, and is currently working in the same department as Nodal Officer cum Social Worker, District Disability Rehabilitation Centre, Mysore. Further, the Petitioner has been working in the field of rehabilitiation of persons with disabilities for the last 6 years and has been employed by the Respondent No. 2 Department for the empowerment of persons with disabilities and senior citizensin various temperory posts. The list of the various posts he has worked in is as seen below:

Sl. No.	Project Name	Duration	Designation	Implementation
1	Special School for the Hearing Impaired Children	01.06.2006 to 30.09.2006	Special Educator	Shata Shrunga School for Deaf and Dumb School, Bangalore.
2	Community based rehabilitation Programme for the Rural Disabled Persons	01.04.2008 to 30.03.2009	District Coordinator	Shata Shrunga School for Deaf and Dumb School, Bangalore.
3	Gramina Angavikalara Punarvasathi Yojana	18.10.2009 to 22.12.2011	State Project Coordinator	Department for the Empowerment of Differently Abled& Senior Citizens
4	District Disability Rehabilitation Centre, Mysore	23.12.2011 to Till now	Nodal Officer / Social Worker	District Management Team and Indian Red Cross Society, Mysore

10. Pursuant to the publication of the impugned Notification, the Petitioner applied to the post of District Disabled Welfare Officer on 07.02.2012 in accordance with the procedure provided in the impugned Notification. The Petitioner has a Masters Degree in Social Work and also possesses the preferred qualification prescribed by way of Diploma in Special Education for the Hearing Impaired from the Ali Yavar Jung National Institute for the Heraing Handicapped, Mumbai, duly recognised by the Rehabilitation Council of India and the Ministry of Social Justice and Empowerment under the Government of India.

(A copy of the Application Form sent by the Petitioner applicant to the 1st Respondent Comission dated 07.02.2012 is annexed herein and marked as **ANNEXURE – C**)

(A copy of the Petitioner's Masters Degree Certificate from Bangalore University dated 18.11.2009 is annexed herein and is marked as **ANNEXURE – D**)

(A copy of the Petitioner's Diploma in Special Education for the Hearing Impaired from the Ali Yavar Jung National Institute for the Heraing Handicapped, Mumbai dated 15th Spetember, 2006 is annexed herein and marked as **ANNEXURE – E**)

11. It is further submitted that the impugned Notification calling for applicants issued by the 1st Respondent Commission has not reserved 3% of the posts of the Disabled Welfare Officer for persons with disabilities. The impugned Notification states that those posts as listed in Notification No. DPAR 21 SRR 2008 dated 3.8.2009 issued by the Government of Karnataka, identifying the list of posts for persons with disabilities, will be identified for persons with disabilities. In the said aforesaid Notification dated 3.8.2009, the post of Distruct Disabled Welfare Officer has been clearly reserved for persons with disabilities, including for persons with locomotor disability.

(A copy of the Notification No. DPAR 21 SRR 2008 dated 3.8.2009, is annexed herein and is marked as **ANNEXURE - F**)

12. Further, despite the above identification of this post for persons with disabilities, the impugned notification does not provide any reservation of 3% posts, being 1 post out of the 10 posts for the District Disability Welfare Officer, as mandated for persons with disabilities under the PWD Act. It provides reservation only for persons belonging to Scheduled Castes, Scheduled Tribes, Category 1, and Categort 2(A) with a horizontal reservation for women applicants, Karnataka Rural applicants, and others. The Notification makes no provision to reserve any post for persons with disabilities and provides for no rationale or reason to exclude physically handicaped candidates from the purview of the reservation. The division of vacant posts among the different categories as provided in the notofication is as follows:

Reservation	Others	Women	Karnataka Rural	Total
Scheduled Caste	01	01	-	02
Scheduled Tribe	01	-	-	01
Category – 1	01	-	-	01
Category – (2A)	01	-	-	01
General Merit	02	02	01	05
Total	**06**	**03**	**01**	**10**

13. Thus, the Notification clearly excluded persons with disabilities from the purview of horizontal reservations which has adversely affected the candidature of the Petitioner applicant herein who is physically disabled. The failure of the 1st Respondent to provide reservations for persons with disabilities is in direct violation of the PWD Act. The PWD Act was enacted with the an object to provide equal employment and educational opportunities to all persons with disabilities. Section 33 of the Act specififcally requires the Respondent No.1 to reserve vacancies not less than 3 percent for persons or class of persons with disabilty.

Section 33 of the PWD Act reads:

> ***"33. Every appropriate Government shall appoint in every establishment such percentage of vacancies not less than three percent for persons or class of persons withd disability of which one per cent each shall be reserved for persons suffering from –***
>
> ***a. blindness or low vision;***
>
> ***b. hearing impairment,***
>
> ***c. locomotor disability or cerebral palsy***
>
> ***in the posts odentified for each disability:***
>
> ***Provided that the appropriate governmet may, having reagrd to the type of work carried on in any department or establishment, by notification subject to such conditions, if any, as may be specified in such notification, exempt any establishment from the provisions of this section."***

14. Therefore, under Section 33 of the PWD Act, the 1st Respondent Commission is under an obligation to make reservations for disabled persons in all classes of posts in the public sector. Thus, the 1st Respondent Commission was duty bound to reserve an appropriate number of posts of District Disabled Welfare Officer for persons with disabilities.

15. It is further submitted that above is further reinforced by the State of Karnataka in Notification No. DPAR 50 SRR 2000 dated 03.09.2005 issued by the Department

of Personnel and Administrative Reforms, Karnataka providing for 3% reservation for persons with disablities in Group 'A' and 'B' posts by way of an amendment to Rule 9(1A) of the Karnataka Civil Services (General Recruitment) Rules, 1977 (hereinafter '1977 Rules'). The said Rule 9(1A) provides that:

> ***(1A) Notwithstanding anything contained in the rules of recruitment specially made in respect of any service or post, if in such rules of recruitment, direct recruitment is prescribed as one method of recruitment, the following percentages of the vacancies shall be set apart for that method in each of the categories of general merit, Scheduled Castes and Scheduled Trines and in each of the categories among other backward Classes shall be reserved for, and shall be filled by direct recruitment from among the candidates who are physically handicapped, namely:-***
>
> ***(i) three percent of the vacancies in Group "A" or Group "B" posts as may be identified and notified by the Government.***
>
> ***(ii) Five percent of the vacancies in Group "C" or Group "D" posts as may be identified by the Government.***
>
> ***..."***

(A copy of the Notification No. DPAR 50 SRR 2000 dated 03.09.2005 issued by the Department of Personnel and Administrative Reforms is annexed herein and marked as **ANNEXURE – G**)

16. Thus, 3% of the posts of 'District Disabled Welfare Office' being a group 'B' post are to be reserved for persons with dsabilities. It is submitted that despite the clear mandate to provide for reservation for persons with disabilities, the 1st Commission has failed to provide any horizontal reservation for disabled persons in its notification calling for applicants, thereby violating the provisions of the PWD Act and 1977 Rules.

17. It is submitted that the Petitioner applicant herein if fully eligible to receive the benefit of reservation for persons with disablity as he presently suffers from locomotor disability to the degree of 50% as attested to by his disablity certificate. The Notification No. DPAR 50 SRR 2000 dated 03.09.2005 amending Rule 9(1A)

of the Karnataka Civil Services (General Recruitment) Rules, 1977 clearly defines a 'person with disabilty' or a 'physically handicapped candidate to mean a person suffering from 'not less than forty percent (40%)' of any disability including locomotor disability. Thus the impugned Notification in excluding all persons from disabilities form the mandatory provision of 3% reservation is in complete contravention of the 1977 Rules.

18. It is submitted that thereafter the 1st Respondent Commission based on the applications received, issued the list of applicants shortlisted for personal interviews to be held on 31.10.2012 for recruitment to the post of District Disabled Welfare Officer through its website. It is submitted that this list did not have the name of the Petitioner applicant although he possesses all the qualifications required and is fully eligible for the post.

(A copy of the list of candidates shortlisted for interviews published by the 1st Respondent Commission is annexed herein and marked as **ANNEXURE – H**)

19. It is submitted that the preference to candidates having a Diploma in teaching the blind/ deaf /mentally retarded from an Institution recognized by the Rehabilitation Council of India is also stipulated in the Karnataka Welfare of Disabled and Senior Citizen Services (Recruitment) Rules, 2004 (hereinafter 'the Service Rules'). Item 5 of the Schedule prescribing the qualifications for the post of District Disabled Welfare Officer reads:

> ***"For direct Recruitment***
> ***Must possess Masters Degree in Social Work or Master of Arts in Social work. Preference will be given to persons who have diploma in teaching the blind/deaf/mentally retarded from an Institution recognised by the Rehabilitation Council of India.***
> ***..."***

(A copy of the Karnataka Welfare of Disabled and Senior Citizen Services (Recruitment) Rules, 2004 issued via Notification No. DPAR/101/SRD/98(P), dated 1st April, 2004 is annexed herein and marked as **ANNEXURE - J**)

20. Thus, the failure of the Respondents in ensuring that the said post which is identified for persons with disabilities and 3% of the posts being 1 post out of 10 are reserved for persons with disabilities is a clear violation of the provisions of the PWD Act and the 1977 Rules and has resulted in the denial of equal opportunity and protection to physically handicapped persons such as the Petitioner.

21. Being aggrieved by the conduct of the 1st Respondent Commission in not reserving the said post for persons with disabilities and not shortlisting him and violating the provisions of the impugned notification, the Petitioner Applicant wrote a letter dated 22.10.2012 to the Secretary of the Respondent No.1 Commission requesting them to revise the list of applicants shortlisted for interviews. However, the 1st Respondnet failed to provide with any response. Thereafter, it is submitted that the Petitioner once again wrote to the 1st Respondent Commission on 30.10.2012 but again received no response.

(A copy of the Representation sent by the Petitioner to the 1st Respondent Commission dated 22.10.2012 is annexed herein and marked as **ANNEXURE - K**)

(A copy of the Representation sent by the Petitioner to the 5th Respondent Commission dated 22.10.2012 is annexed herein and marked as **ANNEXURE - L**)

(A copy of the Representation sent by the Petitioner to the 1st Respondent Commission dated 30.10.2012 is annexed herein and marked as **ANNEXURE - M**)

22. Thus, being aggrieved by the action of the Respondents and having no other alternative and equally efficacious remedy, the Petitioner has filed this petition before this Hon'ble Court. The Petitioner has not filed any other petition on the

same cause of action before this court or any other court. This petition is filed on the following grounds, among others:

C. GROUNDS:

23. **THAT**the action of the Respondents in denying equal opportunity specifically to persons with diabilities by not ensuring horizontal reservation of 3% of vacanices to the post of District Disabled Welfare Officer in Group 'B' is discriminatory and in violation of the fundamental rights guaranteed under Article 14, 16 and 21 of the Constitution.

24. THAT such non-reservation of 3% of the posts is violative of the statutory rights of the Petitioner guaranteed under the PWD Act as well as the Karnataka Civil Services(General Recruitment) Rules, 1977 as amended by Notification No. DPAR 50 SRR 2000 dated 03.09.2005.The impugned Notification thus deserves to be set aside to the extent that it does not provide for reservations for persons with disabilities in accordance to law.

25. **THAT** the action of the 1st Respondent in excluding persons with disabilities from the purview of the horizontal reservations provided for in the impugned notification is in direct violation of section 33 of the PWD Act and amounts to denial of equal oppurtunties of employment to elgible and fully qualified physically handicapped persons. Section 33 of the Act provides a clear mandate to reserve three percent (3%) of the posts in the public sector in favour of persons with disabilities. The action of the Respondents in not providing for such reservation is thus violative of the spirit and letter of the PWD Act and deserves to be set aside to that extent.

26. **THAT** the action of the Respondents is in violation of the Karnataka Government Notification No. DPAR 50 SRR 2000 dated 03.09.2005 amending the Service Rules, 1977 which categorically provides that all persons with disabilities are

entitled to 3% reservation in all Group 'B' posts. Despite this the 1st Respondent Commission has failed to provide 3% reservation for physically handicapped persons for filling up the vacancies in the post of District Disabled Welfare Officer. Thus, the 1st Respondent is in direct and clear violation of the Rules which has lead to loss of employment opportunities for diabled applicants such as the Petitioner applicant. The impugned Notification thus deserves to be set aside in so far as it violates the above notification.

27. **THAT** the Government of Karnataka has clealry identified posts suitable fore employment of persons with disbailities via Notification bearing No. DPAR 21 SRR 2008 dated 3.8.2009. The aforesaid Notification identified the post of District Disabled Welfare Officer for persons with disabilities including persons suffering from locomotor disability. Despite this, the 1st Respondent has failed to reserve seats for physically handicapped applicants such as the Petitioner. The impugned Notification thus derserves to be set aside in so far as it doesn't no reserve posts for persons with disabilities.

28. **THAT** the hon'ble Supreme Courtin ***Secretary v. Ravi Prasad Gupta, (2010) 7 SCC 626*** clearly held that the Government is obligated under section 33 of the PWD Act to reserve 3% of posts for persons with disabilities and the government could not shy away from their obligations in this regard. The Court further observed that:

> ***"We have examined the matter with great care having regard to the nature of the issues involved in relation to the intention of the legislature to provide for integration of persons with disabilities into the social main stream and to lay down a strategy for comprehensive development and programmes and services and equalization of opportunities for persons with disabilities and for their education, training, employment and rehabilitation amongst other responsibilities. We have considered the matter from the said angle to ensure that the object of the Disabilities Act, 1995, which is to give***

effect to the proclamation on the full participation and equality of the people with disabilities in the Asian and Pacific Region, is fulfilled."

The Court further held that,

"In other words, reservation under Section 33 of the Act is not dependent on identification, as urged on behalf of the Union of India, though a duty has been cast upon the appropriate Government to make appointments in the number of posts reserved for the three categories mentioned in Section 33 of the Act in respect of persons suffering from the disabilities spelt out therein."

Despite the post of District Disabled Welfare Officer being idnetified in the present matter no reservation has been provided thereby denying persons with disbailities of equal oppurtunities in employment.

29. **THAT** the Respondent No. 5 Department for the Empowerment of Differently Abled& Senior Citizens where the Petitioner applicant seeks to employed as the District Disabled Welfare office is a department set-up under the Government of Karnataka in order to secure the welfare and rights of persons with disabilities in the State. However, the very same department that is set up to empower and protect disabled persons has contravened the provisions of the PWD Act. The action of the 5th Respondent is thus against the spirit of its own object and purpose, and reflects very poorly on the standard of awareness on disability rights in the concerned institutions.

30. **THAT** the action of the Respondents in not considering the Petitioner's application and shortisting him for the interview in in clear violation of the provisions of the impugned Notification No. R(2)907/PSC/2011-2012 dated 18.01.2012 which mandates that all applicants having the preferred educational qualifications must be called for a personal interview. Despite the clear direction in the impugned notification, the 1st Respondent Commission failed to shortlist the Petitioner applicant although he possesses the qualification. Thus, the 1st Respondent Commission failed to comply with the provisions of the impugned notification and arbitrarily proceeded to shortlist applicants on different criteria.

The list of applicants chosen for personal interview issued by the 1st Respondent Commission thus deserves to be set aside.

D. GROUNDS FOR INTERIM RELIEF

31. The Petitioner submits that the impugned notificationNo. R(2)907/PSC/2011-2012 disregards the obligations under the PWD Act and the Constitution by not reserving any posts for persons with disabilities. It therefore fails to include the name of the Petitioner applicant in the final interview list despite a statutory requirement for the same under Persons with Disabilities (Equal Opportunities, Protection of Rights & Full Participation) Act, 1995 and the Karnataka Civil Services(General Recruitment) Rules, 1977.

32. It is submitted that the personal interview for the post of District Disabled Welfare Officer has been conducted by the 1st Respondent Commission on 31.10.2012 and the Petitioner applicant was arbitrarily not included within the list of shortlisted candidates as no reservation was provided.

33. The Petitioner has a prima facie case and therefore it is prayed that one post of District Disabled Welfare Officer be kept vacant in the reserved category for persons with disabilities. If all the posts are filled up without keeping one post vacant, even if the Petitioner is successful in the present petition, it would be too late as third party rights would be created and lead to further litigation.

34. it is crucial that the interim prayer is granted, so that the Petitioner is not deprived of his rights in having the post of District Disbaled Welfare Officer identified and reserved for the visually impaired and his application being conisdered in the reserved category.

35. It is submitted that if the 1st Respondent Commission proceeds to select and appoint candidates for the post of District Disabled Welfare Officer, it would

cause great injustice to the Petitioner applicant who is duly qualified and eligible for the post. If selections are made without considering the Petitioner's application from the persons with disability category, he will be left out of such selection process and will will not be given his rights in 1% reservation in the posts as mandated under Section 33 of the PWD Act. Further, third party rights of other candidates will be created. If all the posts reserved for the visually impaired are filled up, then this Writ Petition would be rendered infructuous. In the light of these facts, it is prayed that the interim relief sought for be granted and one post of District Disabled Wlefare Officer is left vacant.

PRAYER

WHEREFORE, in light of the above facts and circumstances, the Petitioner most respectfully prays that this Hon'ble Court be pleased to:

A. Pass a writ or direction in the nature of a certiorari or any other direction, setting aside the impugned Notification No. R(2)907/PSC/2011-2012 dated 18.01.2012, produced as **ANNEXURE – B**, to the extent that it fails to provide reservation for persons with disabilities in conformity with the Persons with Disabilities (Equal Opportunities, Protection of Rights, Full Participation) Act, 1995 and the Karnataka Civil Services(General Recruitment) Rules, 1977and direct the Respondent No.1 to reserve 1 post out of the 10 posts of District Disabled Welfare Officer for persons with disabilities;

B. To consider the application of the Petitioner as an application of a person with disability for the post of District Disabled Welfare Officer and give him an opportunity to be considered for such post under the reserved category; deleted

C. Grant any other relief that this Court deems fit in the interest of justice and equity.

INTERIM PRAYER

Pending final disposal of the above writ petition, it is most respectfully prayed that this Hon'ble Court may be pleased to direct the Respondent No. 1 to keep one post of District Disabled Welfare Officer vacant under the impugned Notification No. R(2)907/PSC/2011-2012 dated 18.01.2012, produced as **ANNEXURE B-** herein, and pass any such further orders in the interest of justice and equity.

Place: Bangalore

Date:

Counsel for the Petitioner

JAYNA KOTHARI

Address for Service:

D 6, Dona Cynthia,

25, Primrose Road,

Bangalore - 560025

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

W.P. No. _____/2012

BETWEEN:

Muralidhar M. ...PETITIONER

AND

Government of Karnataka & Ors. ...RESPONDENT

VERIFYING AFFIDAVIT

I, Mr. Muralidhara M., S/o Muninarayanappa, aged about 33 years, residing at Jangamaseghally Village, Kaiwara Post, Chintamani Thaluk, Chikbalapura District - 563128 do hereby swear and state on oath as follows:

1. I state that I am well conversant with the facts of the case and am competent to swear to this affidavit.
2. I state that I have read the contents of paras 1 - of the accompanying petition and the same are true to the best of my knowledge, information and belief.
3. I state that the Annexures - A to M annexed herein with the accompanying petition are true copies of their originals.

I hereby swear that the above contents are true and correct to the best of my knowledge, information and belief.

Place: Bangalore

Date:

Muralidhara M
Deponent

Identified by me:

Advocate for the Petitioner