

[← back](#)**Status: Disposed**Case Number: **WP 12593/2020**
(KAHC010324412020)Classification: **GM RES**Date of Filing: **24/10/2020**
11:59:01Petitioner: **KARNATAKA**
FEDERATION OF THE BLINDPet. Advocate: **ROHAN**
KOTHARIRespondent: **STATE**
GOVERNMENT OF
KARNATAKA

Resp. Advocate:

Filing No.: **WP 14409/2020**Judge: **ABHAY SHREENIWAS**
OKA (CJ) AND SACHIN
SHANKAR MAGADUMLast Posted For: **ORDERS**Date of Decision: **10/02/2021**Last Action Taken: **DISPOSED**Next Hearing Date:
10/02/2021**Daily Orders: WP 12593/2020**

1	ABHAY SHREENIWAS OKA (CJ) AND SACHIN SHANKAR MAGADUM	<u>01/02/2021</u>
	Learned Additional Government Advocate states that necessary proposal has been placed before the Hon'ble Cabinet Minister whose decision is expected within a short time. List the Petition on 10th February 2021 to enable the learned Additional Government Advocate to place the decision on record.	
2	ABHAY SHREENIWAS OKA (CJ) AND SACHIN SHANKAR MAGADUM	<u>15/01/2021</u>
	A copy of the Circular dated 5th January 2021 is produced by the learned Additional Government Advocate along with a memo. The said circular considers only the order dated 17th May 2020 issued by the Government of India. The State Government has not even referred to and therefore, not considered the Office Memorandum dated 7th October 2020 issued by the Government of India which provides that persons with disabilities and pregnant women employees shall continue to work from home till further orders. The circular dated 5th January 2021 is issued with complete non-application of mind. We, therefore, direct the State Government to make proper compliance of the order dated 26th November 2020 by 29th January 2021. List the petition on 1st February 2021 for reporting compliance.	
3	ABHAY SHREENIWAS OKA (CJ) AND SACHIN SHANKAR MAGADUM	<u>11/01/2021</u>
	The petition was mentioned by the learned Senior Counsel appearing for the petitioner. Let the petition be listed on 15th January 2021.	

4	ABHAY SHREENIWAS OKA (CJ) AND S VISHWAJITH SHETTY	<u>22/12/2020</u>
<p>Learned Additional Government Advocate seeks time to comply with the order dated 26th November 2020 on the ground that the officers of the State are busy in the elections of Gram Panchayat. The issue involved is of rights of differently abled persons. The only direction issued by this Court to the State Government is to re-consider its decision in the light of the memorandum issued from time to time by the Department of Empowerment of Persons with Disabilities of the Government of India. Elections of local bodies cannot be a ground not to take a decision. Only by way of last chance, we grant further time of two weeks from today. The decision of the State Government shall be placed on record on the next date which would be 11th January 2021.</p>		
5	ABHAY SHREENIWAS OKA (CJ) AND S VISHWAJITH SHETTY	<u>14/12/2020</u>
<p>Learned Additional Government Advocate seeks time to comply with the directions contained in order dated 26th November, 2020.</p> <p>We extend the time till next Tuesday, the 22nd December, 2020.</p> <p>Let the petition be listed on 22nd December, 2020.</p>		
6	ABHAY SHREENIWAS OKA (CJ) AND S VISHWAJITH SHETTY	<u>26/11/2020</u>

Heard the learned Senior Counsel appearing for the petitioner.

Issue notice. Learned Additional Government Advocate takes notice for the respondent Nos.1 to 3.

For the time being, we are dealing with the issue of blind persons. The State Government has issued a Circular dated 18th May 2020 which enjoins all the officers/workers of Government, Non-Government, Autonomous Organizations, Boards, to report to duty. Our attention is invited to the Office Memorandum dated 14th September 2020, by which the Government of India has stated that the earlier Office Memorandum dated 5th June 2020 is in force till further orders. Learned Senior Counsel appearing for the petitioner relies upon the Central Government Office Memorandum dated 7th October 2020 which provides for exemption to the persons with disabilities from attending to duty. We direct the petitioner to place on record, copies of the Office Memorandum dated 5th June 2020 and 7th October 2020.

The State Government will have to re-consider its decision which is the subject matter of challenge, in the light of the rights of employees with disabilities and in particular, blind employees. As pointed out by the learned Senior Counsel appearing for the petitioner, very often blind employees will need help which will involve blind employees coming in physical contact with various persons. We, therefore, direct the State Government to re-consider its decision recorded in the Circular dated 18th May 2020 in the light of the rights guaranteed to the differently abled persons and in particular, blind persons. The issue will also have to be addressed in the context of the fact that some of the differently abled persons will require assistance which will involve touching the other human beings. We direct the State Government to re-consider its decision taking into consideration the rights of the differently abled persons as well as genuine difficulties faced by them. Appropriate decision shall be taken by the State Government within a period of two weeks from today. Needless to add that the State Government is bound to consider the Office Memorandum issued from time to time by the Department of Empowerment of Persons with Disabilities of the Government of India. The Advocate for the petitioner shall supply copies of Office Memorandum dated 5th June 2020 as well as 7th October 2020 to the learned Additional Government Advocate.

The decision of the State Government shall be placed on record on or before 11th December 2020. Let the petition be listed on 14th December 2020.