

IN THE HIGH COURT OF SIKKIM

ORDER SHEET



WP(C) No. 28 of 2008
 Dr. Kalyan Chandra Dahal Petitioner / ~~Applicant~~

Versus

State of Sikkim and Another Respondents

Serial No. of Order	Date of Order	Order with Signature	Office Note as to action (if any) taken on Order
01.	24.11.2008	<p>Present: Mr. K. T. Bhutia, Senior Advocate with Ms. Neeru Sharma, Advocate for the Petitioner.</p> <p>Mr. S. P. Wangdi, Advocate General with Mr. Karma Thinlay, Government Advocate for the State-Respondents.</p> <p>---</p> <p>This is a Writ Petition filed under Section 226 of the Constitution of India by the petitioner who is a disabled person. The petitioner has applied for and appeared in written test as well as viva-voce test for the post of GDMO/Medical Officer in response to the advertisement dated 1st March, 2008 issued by respondent No.2. The petitioner having qualified in the written test was called for viva-voce test and he also sat for the said test.</p> <p>The main grievance of the petitioner is that in the advertisement dated 1st March, 2008, whereby 28 posts were advertised reservation for disabled persons was left out in violation of Section 33 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. This omission, according to the petitioner, is violative of his rights to equality under Sections 14 and 16 of the Constitution of India. The learned Advocate General appearing for the State, however, clarified at the Bar that there was a genuine mistake on the part of the respondent No.2</p>	



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		<p>while issuing the advertisement in question. It is stated that vide Office Memorandum No.1632/GEN/DOP dated 27/2/2008, 3% reservation for disabled persons had already been made. However, as this Office Memorandum escaped the notice of respondent No.2, the advertisement was issued without incorporating the reservation of the disabled persons. It is further submitted by the learned Advocate General that the matter regarding correction of the advertisement so as to incorporate the reservation of disabled persons is under process and is at the very matured stage. Such being the position, the grievance of the petitioner is likely to be met once the necessary correction is made in the said advertisement. It is, however, hoped that the necessary correction shall be made before the result of the interview is announced.</p> <p>With the above observation, this Writ Petition stands disposed at the motion stage itself.</p> <p>Let a copy of this order be furnished to the learned Advocate General through the Government Advocate for information and compliance.</p> <p> (Justice A. P. Subba) Acting Chief Justice 24-11-2008</p>	<p>A copy of order forwarded to the Govt. Adv. on 25/11/08</p> <p> 25/11/08</p>