

**IN THE HIGH COURT OF HIMACHAL PRADESH,
SHIMLA**

**Review Petition No.14 of 2020
in CWP No.4160 of 2019
Decided on: 30.06.2020**

Vishv Mohan

...Petitioner.

Versus

Central University of Himachal Pradesh

....Respondent.

.....
Coram

The Hon'ble Mr. Justice L.Narayana Swamy, Chief Justice

The Hon'ble Ms. Justice Jyotsna Rewal Dua, Judge

Whether approved for reporting?¹

For the petitioner:

**Ms. Roma Bhagat, Senior Advocate with
Ms. Jubli Momalia, Advocate, through
video conferencing.**

For respondent:

**Mr. Rajesh Kumar Sharma, Assistant
Solicitor General of India.**

Jyotsna Rewal Dua, J. (oral)

Review Petition No.14 of 2020

This review petition had been preferred asserting that the written instructions dated 11.3.2020, placed on record by the respondent and relied upon by this Court while passing the judgment dated 12.03.2020 in CWP No.4160 of 2019, were factually incorrect.

2. The written instructions dated 11.03.2020 contained following factual position:-

2(i) Out of 128/126 teaching positions advertised by the respondents, 5 were reserved for the person with disabilities (PWD). Out of

¹ *Whether reporters of the local papers may be allowed to see the judgment?*

these 5 posts, one post was meant for VH (Visually Handicapped) category. The aforesaid one post was reserved pursuant to the order dated 03.08.2019, passed by State Commissioner (Disabilities)-cum-Additional Chief Secretary (SJ&E) to the Government of Himachal Pradesh.

2(ii) In the written instructions, it was further given to understand that out of 5 positions meant for PWDs, only two positions were filled in from Orthopaedic Category at the time of passing of the judgment. As such, University was stated to be under legal compulsion to fill up remaining three posts of PWD quota including the post meant for VH (Visually Handicapped) category.

3. On the basis of these instructions, the writ petition was disposed of as premature at that stage, since the process for filling up the post for VH (Visually Handicapped) category was stated to be underway.

4. During hearing of the review petition, learned counsel for the petitioner urged that insofar as the petitioner is concerned the selection process stood completed at the time of the passing of the judgment on 12.03.2020, inasmuch as the petitioner had applied for the post of Visually Handicapped category in Department of Sociology and in the Department of Social Work. In these two departments, the advertised posts of Assistant Professor had been filled at the time of pronouncement of the judgment. Therefore, learned counsel further submitted that petition was not premature and could not be disposed of as such. One post reserved for VH (Visually Handicapped) category is though lying vacant, however, respondents have

sealed the fate of the petitioner. This factual position has been admitted by learned Assistant Solicitor General of India.

5. In view of the above factual position pointed out by learned counsel for the petitioner & admitted by learned Assistant Solicitor General of India, it becomes apparent that the petition was not premature and therefore, requires fresh adjudication on merit. Accordingly, this review petition is allowed. The judgment dated 12.03.2020, passed in CWP No.4160 of 2019, is recalled. The matter is ordered to be restored to its original number. Pending miscellaneous application(s), if any, shall also disposed of.

CWP No.4160 of 2019

List for hearing on **21.07.2020** in open Court.

**(L. Narayana Swami),
Chief Justice**

**(Jyotsna Rewal Dua),
Judge**

June, 30, 2020
(rohit)