



Aryan Raj vs Chandigarh Administration on 8 July, 2020

Supreme Court - Daily Orders

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2718 OF 2020

(Arising out of SLP (Civil)No. 21429 of 2019)

ARYAN RAJ

Appellant(s)

VERSUS

CHANDIGARH ADMINISTRATION & ORS.

Respondent(s)

O R D E R

Leave granted.

The present appeal has become infructuous by reason of the seat that was reserved for the handicapped having already been given to respondent No. 5. In any case, the application that was made pertained to the previous year. However, Shri Colin Gonsalves, learned senior counsel appearing on behalf of the appellant, states that the impugned judgment dated 31.07.2019 will come in his way even if he has to apply afresh for the current year.

The impugned judgment has held against Shri Gonsalves client-the appellant on two points, viz., that the bifurcation process under Section 34 of the Rights of Persons with Disabilities Act, 2016, would not apply, and Signature Not Verified that the aptitude test must be passed and cannot be exempted Digitally signed by SUSHMA KUMARI BAJAJ Date: 2020.07.10 14:52:12 IST Reason:

insofar as the appellant is concerned. CIVIL APPEAL NO. 2718 OF 2020 We are of the view that the High Court is correct on the bifurcation aspect. Further, insofar as the aptitude test having to be passed is concerned, the High Court is correct in saying that no exemption ought to be granted, but we follow the principle laid down in the Delhi High Courts judgment in Anamol Bhandari (Minor) through his father/Natural Guardian v. Delhi Technological University 2012 (131) DRJ 583 in which the High Court has correctly held that people suffering from disabilities are also socially backward, and are therefore, at the very least, entitled to the same benefits as given to the Scheduled Castes/Scheduled Tribes candidates.

In the advertisement issued by the Government College of Art dated 31.05.2019, the relevant paragraph, insofar as the aptitude test is concerned, is as follows:

Method of Selection:

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(i) Candidates obtaining 40 percent aggregate (in case of SC/ST 35%) marks in the aptitude test will qualify for admission to any of the courses offered.) .

. In our view, considering that Scheduled Castes/Scheduled Tribes candidates require 35 per cent to pass in the aptitude test, the same shall apply so far as the disabled are concerned in future. Shri Gonsalves client is, therefore, at liberty to apply afresh for the current CIVIL APPEAL NO. 2718 OF 2020 year, in which the requisite certificate that is spoken about in the advertisement dated 31.05.2019 is furnished stating that he is fit to pursue the course in Printing or Applied Art