



**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 10218 of 2025

Mohd. Haidar Khan

.....Petitioner(s)

Versus

State Of U.P. Thru. Chief Secy. Having Office At
Sri Lal Bahadur Shastri Bhawan Lko. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s) : Mohd. Asif Akram, Pranav Pandey

Counsel for Respondent(s) : C.S.C., Raj Kumar Upadhyaya
(R.K. Upadhyaya)

Court No. - 3

HON'BLE SHEKHAR B. SARAF, J.

HON'BLE PRASHANT KUMAR, J.

1. Heard learned counsel for the parties.
2. This is a writ petition under Article 226 of the Constitution of India wherein the writ petitioner has made following main prayer(s):

"(i) Issue a writ, order or direction in the nature of Certiorari thereby quashing the impugned entry at S.No. 21 of the impugned list of identified posts dt.30.7.2021 issued by respondent No.3 with respect to the post of Assistant Prosecution officer (Sahayak Abhiyojan अधिकारी) in the department of Home and other departments of respondent State declaring it to be identified only for low vision in the broad category of visually impaired for the purposes of reservation of 1% vacancies and the impugned stipulation in the impugned advertisement dt.16.9.2025 for filling up the vacancies in the post of Assistant Prosecution officer to the effect that out of seven reserved vacancies, four vacancies were reserved for the sub category of low vision in the broad category of visually impaired examine the same and quash them by declaring that that the functions of the post of Assistant Prosecution officer can be performed by the blind also with the provision of reasonable accommodation and, therefore, the petitioner who is blind is entitled to participate in the subject recruitment process undertaken pursuant to the impugned advertisement dt.16.9.2025 for the said post and get the benefit of

reservation, if selected against one of the four vacancies reserved for visually impaired.

(ii) Issue a writ, order or direction in the nature of Mandamus thereby commanding and directing the opposite parties particularly respondent No.4 to issue a corrigendum to the impugned advertisement dt.16.9.2025 clarifying that the post of Assistant Prosecution officer is identified also for blind and, therefore eligible blind candidates can also participate in the said selection and consequently extend the time for applying for the said post by the blind candidates at least by two weeks.

(iii) Issue a writ of prohibition or any other restraining the respondents from excluding any eligible blind candidate including the petitioner from participating in the impugned selection process for filling up the post of Assistant prosecution officer against the vacancies reserved for visually impaired and also from consideration for appointment of blind candidates against the said reserved vacancies for visually impaired, if ultimately selected."

3. Shri S.K. Rungta, learned Senior Advocate appearing for the petitioner has submitted that the stand taken by the respondent authorities, wherein they have completely omitted persons with disability of blindness, is ultra vires the Rights of Persons with Disabilities Act, 2016. He further challenges the entire procedure being adopted by the State Government wherein persons with disability of blindness have been completely excluded from the advertisement under challenge.

4. Learned counsel for the respondents submit that last date for applying in the selection process has expired on October 16, 2025.

5. This matter requires careful consideration specially keeping in mind the judgement of Hon'ble Supreme Court rendered in ***In Re: Recruitment of Visually Impaired in Judicial Services (Suo Motu Writ Petition (C) No.2 of 2024)*** dated March 3, 2025.

6. In light of the above, we are of the view that the petitioner has made out a prima facie case and the balance of convenience and inconvenience lies in favour of the petitioner.

7. Accordingly, we direct the Uttar Pradesh Public Services Commission (U.P.P.S.C.) being respondent no.4 to accept the application form of the petitioner manually and allow him to participate in the selection process.

8. We make it clear that the selection of the petitioner shall be subject to the result of the writ petition.

9. Let counter affidavit be filed within three weeks. Rejoinder affidavit, if any, may also be filed within one week thereafter.

10. List this case on January 12, 2026.

(Prashant Kumar,J.) (Shekhar B. Saraf,J.)

October 28, 2025

Anupam S/-