



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A./100/3694/2019

New Delhi, this the 20th day of December, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

Mr. Prakash Chandra Sahoo, PGT ENGLISH, Group – B
S/o Shri Iswar Chandra Sahoo, Aged 39 years
R/o E-16 and 17, flat no.4, Jagriti Society,
Sewk Park Uttam Nagar ...Applicant

(Through Shri Ganesh Chand Sharma, Advocate)

Versus

1. Ministry of Human Resource Development
Through it's Secretary,
Udyog Bhawan, New Delhi
Government of India
2. Kendriya Vidyalaya Sangathan
Through it's Commissioner,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi
3. Joint Commissioner Administration
Kendriya Vidyalaya Sangathan
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi ... Respondents

(Through Shri Rajendra Singh Rana, for respondent 1
Shri S. Rajappa, Shri R. Gowri Shankar and
Shri S.K. Tripathi for Shri Gyanendra Singh, for
respondents 2 and 3)



ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman

Kendriya Vidyalaya Sangathan (KVS), 2nd respondent herein issued a notification dated 15.01.2018 inviting applications for selection for various posts including the Post Graduate Teacher (PGT) (English). 55 vacancies were advertised and out of them, one each was reserved in favour of Visually Handicapped and Orthopedically Handicapped candidate. The applicant states that he is an Orthopedically Handicapped candidate.

2. An examination was held and it was followed by an interview. In the final selection, the applicant was placed at serial number 2 in the Orthopedically Handicapped category.

3. It is stated that the number of vacancies was enhanced from 55 to 71 through order dated 30.01.2019 (Annexure A-7). The applicant contends that in view of enhancement of the vacancies, one more post was required to be added in favour of Persons with Disability (PWD) category in view of OM dated 15.01.2018. He contends that despite his representations, the respondents did not provide such reservation nor did they consider his case. With this



background, the applicant filed this OA with a prayer to direct respondents 2 and 3 to follow the guidelines contained in OM dated 15.01.2018 and to increase one vacancy in the post of PGT (English) for PWD category. He has also prayed for a direction to appoint him to the post.

4. Shri Ganesh Chand Sharma, learned counsel for the applicant submits that according to the OM dated 15.01.2018, the vacancies at points number 1, 26, 51 and 76 in a 100 point roster are to be reserved in favour of persons with disability and though 71 vacancies were available, only two at points number 1 and 26 were reserved. According to the learned counsel, the vacancy at point number 51 is also to be reserved.

5. We heard Shri Ganesh Chand Sharma, learned counsel for the applicant.

6. Initially, 55 vacancies were notified in the post of PGT (English). Out of that, two were reserved in favour of PWD candidates (one each in favour of Visually Handicapped and Orthopedically Handicapped).

7. The applicant has no complaint about the quantum of reservation. He participated in the examination and was ranked at number 2 in the category of Orthopedically



Handicapped candidates. At a subsequent stage, the respondents have increased the vacancies to 71. The applicant is of the view that another vacancy ought to have been added to the PWD category. Reliance is placed upon OM dated 15.01.2018. The method of reservation to be made in favour of PWD is provided in para 7.2 and 7.3 thereof, which read as under:

“7.2 Each register shall have cycles of 100 points and each cycle of 100 points shall be divided into four blocks, comprising the following points:

1 st Block	-	point No. 01 to point No. 25
2 nd Block	-	point No. 26 to point No. 50
3 rd Block	-	point No. 51 to point No. 75
4 th Block	-	point No. 76 to point No. 100

7.3 Points 1, 26, 51 and 76 of the roster shall be earmarked for persons with benchmark disabilities - one point each for four respective categories of disabilities. The Head of the establishment shall ensure that vacancies identified at Sl. No.1, 26, 51 and 76 are earmarked for the respective categories of the persons with benchmark disabilities. However, the Head of the establishment shall decide the placement of the selected candidate in the roster register.”

8. A combined reading of these two clauses discloses that the occasion to reserve point number 1 in favour of PWD category would arise if only the number of vacancies is 25. In other words, if the vacancies are less than 25 i.e. 10 or 15, it may not be possible to reserve point number 1. Same is the



case with point number 26. The necessity to reserve point number 51 would arise only if the vacancies were 75.

9. Para 2 of the OM deals with the quantum of reservation. It is mentioned therein that for each category, the percentage of reservation shall be one. Clause 2 thereof reads as under:

“2. QUANTUM OF RESERVATION

- 2.1. In case of direct recruitment, four per cent of the total number of vacancies to be filled up by direct recruitment, in the cadre strength in each group of posts i.e. Groups A, B and C shall be reserved for persons with benchmark disabilities.
- 2.2. Against the posts identified for each disabilities, of which, one per cent each shall be reserved for persons with benchmark disabilities under clauses (a), (b) and (c) and one per cent, under clauses (d) and (e), unless otherwise excluded under the provisions of Para 3 hereunder:-
 - (a) blindness and low vision;
 - (b) deaf and hard of hearing;
 - (c) locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy;
 - (d) autism, intellectual disability, specific learning disability and mental illness;
 - (e) multiple disabilities from amongst persons under clauses (a) to (d) including deaf-blindness.”

10. As against 71 vacancies, one post is already reserved in favour of Orthopedically Handicapped category. Addition of one more would change the pattern as well as quantum of reservation in favour of the third category and not in favour of the OH category.



11. Learned counsel for the applicant made a reference to clause 7.5 and submits that in respect of number of vacancies, the point of reservation can be anything between 26 to 50 or 51 to 75. That needs to be read together with clause 7.4. The situation wherein the point of reservation occurred in between 2 to 25 or thereafter was being dealt with. Such a situation arises in case of running roster.

12. We do not find any merit in the OA. It is, therefore, dismissed. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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