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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

OA-326/94

New Delhi this the 16<sup>th</sup> Day of September, 1994.

Hon'ble Mr. Justice S.K. Dhaon, Acting Chairman  
Hon'ble Mr. B.N. Dhoundiyal, Member(A)

Ms. Vinita Makkar,  
D/o Sh. P.D. Makkar,  
R/o AC 64, Tagore Garden,  
New Delhi-27. Applicant

(Sh. P.D. Makkar, father of the applicant on behalf  
of the applicant)

versus

1. The Secretary,  
Personnel Public Grievances & Pension,  
North Block,  
New Delhi-1.
2. The Secretary,  
Staff Selection Commission Block No.12,  
C.G.O. Complex, Lodhi Road,  
New Delhi-3.
3. The Secretary,  
Ministry of Welfare  
(Handicapped Welfare Wing),  
Shastri Bhawan,  
New Delhi-1. Respondents

(through Sh. V.S.R. Krishna, counsel)

ORDER

delivered by Hon'ble Mr. B.N. Dhoundiyal, Member(A)

The applicant is aggrieved that fair deal has not been given to the deaf during the examinations held by the Staff Selection Commission in 1990, 1991 and 1992. She has prayed that the selection list of Clerk Grade Examination 1990 so far as it relates to the results of physically handicapped be quashed and the selection lists of Clerk Grade Examination 1991-1992 be reviewed.

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The applicant is suffering from Bilateral deafness. According to Govt. of India, Department of Personnel & Training O.M. dated 4.11.1977 reservation of one percent each in Group 'C' posts has been made separately for the deaf, blind and orthopaedic handicapped categories. The inter-change of vacancies belonging to three category of posts may be made, if candidates belonging to one category of persons are not available or if the nature of vacancies is such that a given category of persons cannot be employed. The jobs of Accounts Clerks, Office Clerks and Typist in Group 'C' posts have been identified suitable for the deaf vide Government letter dated 4.11.1977. A roster system has also been prescribed for giving effect to three percent reservation for physically handicapped and for equal distribution among the sub-categories. However, very few deaf candidates have been successful as would be shown in the table given below:-

|                       | <u>Clerk Grade Examination</u> |      |      |
|-----------------------|--------------------------------|------|------|
|                       | 1990                           | 1991 | 1992 |
| (i) Blind             | -                              | -    | -    |
| (ii) The Deaf         |                                |      |      |
| (Hearing Handicapped) | 2                              | 7    | 15   |
| (iii) Orthopaedically | 163                            | 123  | 62   |
| Handicapped           |                                |      |      |
| Total No.&Vacancies   | 6082                           | 6625 | 5086 |

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Earlier relaxed standards were applied in case of hearing handicapped. Special tests were also conducted. No special tests have been conducted after 1990.

In the counter filed on behalf of the respondents, the main averments are these. Among the physically handicapped only Orthopaedically handicapped and hearing handicapped candidates are eligible to apply through Open Competitive Examination. For visually handicapped candidates, special recruitment is made by the Commission as and when the requisition for sufficient vacancies is received from various Departments through Ministry of Welfare. During 1990 special Drive, the hearing handicapped candidates were also considered. They have admitted that the deaf have a reservation of one percent of the total vacancies and on the recommendations of an Expert Committee, jobs have been identified which are suitable for the three categories of handicapped persons. It is also admitted that inter- change of reservations among the blind, deaf and the orthopaedically handicapped categories is permissible if the candidates belonging to a particular category are not available. As regards special recruitments, this is done groupwise on zonal basis. The reason for not holding a special examination is even those who were successful in that examination are yet to be absorbed by the Ministry. In the Clerks Grade Examination-1990, the applicant did not qualify even with the relaxed standard. It is wrong to say that no hearing handicapped persons get selected. In

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the Clerks Grade Examination 1991-1992, 15 and 17 hearing handicapped candidates were recommended for appointment.

We have gone through the records of the case and heard the parties. At the request of the applicant, we have also gone through the result sheet of the examinations of 1990-1991. The minimum standard laid down was 30 percent and the applicant failed to secure even these marks in the Mathematical Aptitude test. Due to this, her performance in other papers was not evaluated. It is clear that no special privilege can be claimed by the applicant so far as obtaining minimum prescribed marks is concerned. It is only after obtaining the minimum marks that she would be entitled to be considered for the post reserved for hearing handicapped.

It was stated by the learned counsel for the respondents that there is no dearth of post reserved for hearing handicapped. The particular posts in which they can work inspite of their handicap, have already been identified. The respondents should consider whether the type of tests given to the hearing handicapped persons are relevant for jobs identified for them and make necessary changes. This re-examination shall be done expeditiously and appropriate orders passed before the next examination.

The O.A. is disposed of with the above observations.

No costs.

B. N. Dhaondiyal  
(B.N. Dhoundiyal)

S. K. Dhaon  
(S.K. Dhaon)

/vv/

Member(A)

Acting Chairman