

Date	Office Report	Orders
		<p><u>1-3-94</u></p> <p>Presently Name first written here. We have received the demands. Orders passed separately.</p> <p>CB S Hegde (S) Member (S) N V Krishnam V C (A)</p> <p><u>1-3-94</u></p> <p>OA dismissed by You LLP N V Krishnam, V C (A) and You LLP MR. B. S. Hegde, M (S)</p> <p>CB Dinesh C/o HII</p>

Central Administrative Tribunal
Principal Bench: New Delhi

OA NO.722/89

New Delhi this the 1st Day of March, 1994.

Shri N.V. Krishnan, Vice-Chairman (A)
Shri B.S. Hegde, Member (J)

Mrs. Neeta Kohli,
w/o Sh. Anil Kohli,
R/o T-141/A, Baljeet Nagar,
New Delhi-110008.

...Applicant

(By Advocate: None appeared)

Versus

1. The Secretary,
Staff Selection Commissioner,
Block No.12, CGO Complex,
Lodhi Road, New Delhi.
2. The Asstt. Director,
Staff Selection Commission,
Department of Personnel & Training,
Block No.12, C.G.O. Complex,
Lodhi Road, New Delhi.
3. Union of India,
through Ministry of Home Affairs,
North Block, New Delhi. ...Respondents

(By Advocate: None appeared)

ORDER(Oral)

(Mr. N.V. Krishnan)

This case is listed at serial No.7 of today's cause list under regular matters with a notice to the counsel that the first 10 cases are posted peremptorily for final hearing. In the circumstances, we proceed to peruse the record and pass final orders.

2. The applicant was a candidate in the Clerks Grade Examination, 1987 for which she sent an application. Her Roll No. was 1256941. She has sent an application claiming herself to be a physically handicapped candidate and has, therefore, claimed appointment against the quota reserved for such physically handicapped persons. It is stated that her result was announced as a handicapped candidate. The results were published in the Employment News dated 15.10.88 which gives the above information.

3. The applicant is aggrieved by the fact that, subsequently, she has been informed by the memorandum dated 5.1.89 (Annexure A-1) as follows:-

"Subject:- Clerks Grade Examination, 1987

With reference to her application for the above mentioned examination, Neeta Kohli, R.No.125694, is informed that it has not been possible to accept her claim for reservation under Physically Handicapped quota as the Medical Board before whom her claim for Physically Handicapped status was placed has turned down the same. However, her claim for exemption from appearing and qualifying typewriting test has been accepted on the recommendation of the Medical Board.

2. Since her claim for Physically Handicapped status has not been accepted, she has been treated as a general category candidate. It has also been verified that she does not qualify for inclusion in the Select List of the above-mentioned examination as a general category candidate with exemption for typewriting test granted to her."

4. She is aggrieved by this decision and prays for a direction to the first respondent to treat her for appointment on the quota reserved for Physically Handicapped persons.

5. The respondents have filed a reply contesting the claim and they contend that the applicant has no case and that the OA should be dismissed.

5. It is true that in the Employment News dated 15.10.88 kept on record the final results of the Clerks Grade Examination, 1987 were announced and the Roll No. of the applicant 1256941 finds mention under the heading Roll Nos. of candidates who have sought exemption from typewriting test. Her roll No. is shown in category No.4 which refers to Physically Handicapped persons. Likewise, her roll No. is also shown with the same remark under the category of candidates whose candidature is provisional. This is due to the fact that in such

cases further verification has to be done before their claims are accepted and, therefore, in para 9 of the notice in the Employment News it is stated that such candidates will be informed of their results after their cases are finally decided.

5. Accordingly, for the purpose of deciding the case of the applicant additional information was obtained from her vide Annexure A-5 memorandum dated 5.8.88. Accordingly, the necessary particulars were sent by the applicant on 1.9.88 (Annexure A-6). In continuation thereof the applicant also sent a further letter dated 1.9.88 (Annexure A-VI) alongwith medical certificate etc. It is after considering these particulars that the impugned Annexure A-1 order was issued by the respondents.

6. The respondents have stated as follows in this regard:-

"In the results of the Clerks Grade Examination 1987 declared by the Commission, the roll number of the candidate was indicated in the list of candidates whose candidatures were kept provisional and who had claimed exemption from appearing and qualifying the typewriting test. This is clear from the results of the Clerks Grade Examination 1987 of which the applicant has filed a copy alongwith her application (Annexure A-II of the application). According to foot note below serial No.9 of the results, these candidates were to be informed of their results after their cases were finally decided. Therefore, the issue of memorandum dated 5.1.89 to the candidate after her case was finally decided is in order and there is nothing wrong with it."

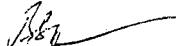
7. It is further stated in reply to paras 4(g) and (h) of the OA as follows:-

"The contention of the petitioner that her claim for physically handicapped quota cannot be turned down as on the basis of the medical certificates and other relevant papers she was permitted to sit in the examination as a handicapped person, is not correct. All the applicants including those claiming physically handi-

capped status are permitted to appear at the exams of the Commission without scrutinising their applications at the initial stage. The results of candidates claiming physically handicapped status or for seeking exemption from typewriting test is declared on a provisional basis subject to acceptance of their claims by the Medical Board. According to Government orders, only those persons whose degree of disability is more than 40% can be treated as eligible for being treated as physically handicapped persons for consideration for employment. In the present case the medical board did not find the petitioner fit to be treated as a physically handicapped person. She was, therefore, treated as a general category candidate. On further verification, it was found that the petitioner did not qualify for inclusion in the select list of Clerks Grade Examination 1987 as general category candidate and hence could not be considered for grant of exemption from typewriting recommended by the medical board. This was duly conveyed to the petitioner vide memo dated 5.1.89."

8. It is thus clear that in view of the physical defects in her hand she was granted exemption from appearing in the typewriting test but her claim to be treated as a physically handicapped person was rejected on the recommendations of the Medical Board. She was, therefore, treated as a general candidate. Her result would, therefore, depend on her performance as a general candidate. As she has not qualified as a general candidate, the respondents state that she was not included in the select list of such candidates.

9. We cannot find fault with the respondents in taking such a decision. In the circumstances, this OA is dismissed. No costs.


(B.S. Hegde)
Member (J)

Sanju.


1.3.94
(N.V. Krishnan)
Vice-Chairman