



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

OA No. 3298/2019

This the 05th day of July, 2021

(Through Video Conferencing)

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

K. Lalith,
S/o Shri K. Kanaka Rao,
Aged about 23 years,
Group A,
Indian Information Service, (Junior Grade),
R/o B-43, 1st Floor,
Noida – 201301 (UP).

... Applicant

(By Advocate : Mr. A. D. N. Rao)

Versus

1. Government of India,
Ministry of Personnel,
Public Grievances & Pensions,
Deptt. of Personnel & Training,
Through Secretary,
North Block, New Delhi.
2. Cadre Controlling Authority (CCA),
Ministry of External Affairs,
Through its Secretary,
Jawaharlal Nehru Bhawan,
South Block,
New Delhi – 110011.
3. The Chief Commissioner for Persons,.
With Disabilities (Divyangjan),
Sarojini House,
6, Bhagwan Dass Road,
New Delhi – 110001.

... Respondents

(By Advocate : Mr. Hanu Bhaskar)

O R D E R (ORAL)

Justice L. Narasimha Reddy, Chairman :

The applicant took part in Civil Services Examination (CSE) of 2018. He is a visually handicapped candidate. In the All India ranking he was placed at Sl. No. 626 (5th in the physically handicapped category). In his option, he has chosen IAS, IFS, IRS (IT), IRS (C&CE), IRAS, IDES, ICLS, IRPS, DANICS, IIS, in that order. He was allotted to Indian Information Service (IIS) vide order dated 10.08.2019. The applicant filed this OA challenging the year of allotment order dated 10.08.2019.

2. The applicant contends that though there existed a vacancy in IFS, in terms of the relevant provision of law, the same was not offered to him. He contends that in the notification, the eligible categories for IFS was mentioned only for low vision and the blind is not included. He submits that in view of notification issued in the year 2013 by the Ministry of Social Justice and Empowerment, the vacancy in IFS can also be treated as available for blind persons. The reason stated by the applicant is that in the year 2013, a candidate by name Ms. Beno Zephine with rank No. 343 was allocated to IFS, and by operation of notification dated 29.07.2013 issued by Ministry of Social Justice and Empowerment, the post can be deemed to be available during the CSE 2018 also.



3. The respondents filed a detailed counter affidavit. According to them the categories that are available for different types of physically handicapped are mentioned clearly in the notification and for the IFS it is only low vision that is earmarked and not the 'blind'. They contend that the plea of the applicant cannot be sustained in law. It is stated that the Ministry of External Affairs has clearly stated that the officers in their department with the blindness cannot operate effectively. The applicant filed the rejoinder also.

4. We heard the arguments of Mr. A.D. N. Rao , learned counsel for the applicant and Mr. Hanu Bhaskar, learned counsel for the respondents.

5. The applicant was one of the candidates in the CSE, 2018 under the visually handicapped category. He secured the rank of 626 (5th in the physically handicapped category). The pattern of option given by him has already been indicated in the preceding paragraph. In the ultimate analysis, the issue was allotted to IIS, vide order dated 10.08.2019.

6. The applicant contends that the vacancy in IFS ought to have been allocated to blind candidate also. Here itself, the nature of reservation provided for the physically handicapped category in IFS and IIS can be taken note of. It reads as follows:-



2.	Indian Foreign Service	Blindness and low vision	LV	SE, RW
		Deaf and hard of hearing	PD	H
		Locomotor disability including Cerebral Palsy, Leprosy Cured, Dwarfism, Acid Attack Victims	OA, OL, OAL	S, ST, W, RW, C, MF
		Multiple disability including only above three sub-categories	All mentioned in above rows	All mentioned in above rows
15	Indian Information Service, Gr. 'A'	(a) Blind and low vision	LV	MF, PP, L, KC, BN, ST, W, H, RW, C, SE
			B	MF, PP, L, KC, BN, ST, W, H, C
		(b) Deaf and hard of hearing	HH	MF, PP, L, KC, BN, ST, W, H, RW, C
			FD	MF, PP, L, KC, BN, ST, W, RW, C
		(c) Locomotor disability including Cerebral Palsy, Leprosy Cured, Dwarfism, Acid Attack Victims and muscular dystrophy	BL, BLOA	S, RW, SE, H, C
			BLA	S, SE, H, C
			BA, BH	S, ST, W, SE, H
			OL, OA, MW, OAL	S, ST, W, SE, H, RW, C
		Multiple disabilities from amongst the persons under clauses (a) to (c) above including deaf-blindness in the posts identified for	All the above mentioned in the categories in (a) to (c) above.	

7. From perusal of the table extracted above, it is evident that in the category of blindness and low vision, only low vision is permitted in case of IFS whereas, in the case of IIS, it is low vision as well as blindness. The emphasis of the applicant is on a clause contained in the notification dated 29.07.2013 issued by the Ministry of Social Justice and Empowerment. Note 3 to clause 5 reads as follows:-



“If a post is already held by a person with disability, it shall be deemed to have been identified.”

8. The plea of the applicant is that a candidate by name Beno Zephine, who is totally blind, was selected for IFS in the year 2013 and thereby the post can be said to have been identified.

9. We would have certainly accepted the contention but for the fact that the notification dated 29.07.2013 issued by the Ministry of Social Justice and Empowerment is general in nature. It is only when the respective departments or agencies adopt the parameters mentioned therein, that they become operational. In a given case, a candidate may compel the department to fall in a line, with the parameters mentioned in the notification issued by the Ministry of Social Justice and Empowerment. In such cases, occasion may arise to compare the parameters with the functional requirements of the concerned office.

10. For example, in recruitment in the Police, one cannot expect the reservation in favour of physically handicapped candidates under locomotor category or completely blind category. The effort is to emphasize the point that the various types of disabilities, on the one hand, and functional requirements of the public offices on the other hand, need to be correlated and reservation is to be provided. There cannot be any uniform rule for all the posts, in this context. Further, the notification contains a clause which reads as under:-

“22. The eligibility for availing reservation against the vacancies reserved for the persons with Benchmark Disability shall be the same as



prescribed in “ The Rights of Persons with Disabilities Act, 2016 (RPwD Act, 2016)”

Parameters for reservation against vacancy reserved for persons with disability are bound to be those that are stipulated by the concerned recruiting agency.

11. Things would have been different altogether, had the applicant sought for a declaration to the effect that non inclusion of the blind in the notification for the post in IFS is contrary to law, before he took part in the examination. It is fairly well settled law that once a candidate takes part in the competitive examination without any demur, he cannot challenge the condition at a later stage when he could not get the selection, of his choice. The situation in the present case is still worse in as much as such a prayer was not even made in the OA. Even if the prayer were to have been made, it could not have been accepted at all. The circumstances under which a candidate by name Benzo Zephine was selected to IFS could have been analysed, if only the applicant raised the issue in its proper perspective. The details thereof are not before us.

12. We do not find any merit in the OA. It is accordingly dismissed. The occasion would not have arisen to verify the relevant rules contained in the notification for that year as well as the other relevant factors. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

Sd/lg/ankit/deeksha