

**Central Administrative Tribunal
Principal Bench, New Delhi**



**O.A. No.1049/2021
M.A. No. 1302/2021
M.A. No. 1303/2021**

This the 22nd day of June, 2021

(Through Video Conferencing)

**Hon'ble Mr. A.K. Bishnoi, Member (A)
Hon'ble Mr. R.N. Singh, Member (J)**

1. Vikas Gupta
Aged about 26 years
S/o Shri Mahesh Gupta
R/o K-90/26 Street No. 26
Best Ghunda, Bhajan Pura
Bhajan Pura, North East, Delhi-53
2. Pradeep Patel
Aged about 20 years
S/o Shri Ramashankar Patel
R/o Room No. 18, HCGBS
Sewa Kutir, Kingsway Camp, Delhi-110009.

.... Applicants

(through Advocate: Mr. S.K. Rungta, learned senior advocate
with Ms. Pratiti Rungta)

Versus

1. South Delhi Municipal Corporation
Through its Commissioner
Having its office at Dr. S.P. Mukherjee Marg
Minto Road, New Delhi.
2. DSSSB
Through its Chairman
FC-18, Institutional Area
Karkardooma, Delhi-110032.

... Respondents

(through Advocate: Ms. Sriparna Chatterjee for R-1 and
Mr. Sameer Sharma for R-2)

ORDER (Oral)**Hon'ble Mr. R. N. Singh, Member (J):**

In the present OA, the applicants, two in numbers, have challenged the advertisement issued by the respondents no.2 to the extent that 278 vacancies for the post of Junior Secretarial Assistant (LDC), Post Code No.44/21 under the respondents no.1, limiting the reservation of 7 vacancies to low vision only making blind ineligible for the benefit of the appropriate reservation. The applicants have prayed for the following reliefs in the present OA:-

- “a) Allow the application.
- b) Set-aside/quash the advertisement bearing No. 02/21 dt. 12.05.2021 issued by respondent no. 2 to the extent it excludes the applicants and other eligible blind candidates from consideration for appointment to the post of Junior Secretarial assistant (LDC), Post code No. 44/21 in the respondent no. 1 and consequently declare that blind are eligible for consideration and appointment if selected to the post in question against 7 vacancies reserved for fulfilling obligation of reservation to the extent of 1% in terms of notification No. 38.16/2020-DDIII dt. 4.1.2021 issued by M/o Social Justice & Empowerment U/S 33 of the RPWD Act 2016 and consequently direct the respondent no. 2 to accept the application forms of the applicants and other similarly situated blind persons and allow them to participate in the said recruitment process and further direct the respondents to issue a corrigendum



notifying that both blind and low vision candidates are eligible to apply for the posts in question and for consideration for appointment along with the benefit of reservation of 1% (7 vacancies of Junior Secretariat Assistant).

- c) Grant any other relief which your Lordship deem fit and proper in the circumstances of the case.
- d) Award the cost.”

3. Pursuant to notice from this Tribunal, the respondent no.1 has filed a short reply. Paragraph 4 of the said short reply filed on behalf of respondent no.1 reads as under:-

“4. The present OA has been filed challenging the advertisement where by the 7 reserved vacancies for physically handicapped candidates has been limited to those with low vision and the blind candidates have been excluded. In this context it may be submitted that the Honourable Tribunal while issuing notice to the answering respondent had directed for filing of a short affidavit in response to the question involved in the present OA. It is further submitted that after perusal of the facts and circumstances of the case, a letter has been issued by the answering respondent to the respondent no. 2 (DSSSB) wherein it has been stated that in compliance of the notification dated 29th of July, 2013 issued by the Ministry of Social Justice and Empowerment the DSSSB’s vacancy notice advertisement no. 2/2021 dated 12th May 2021 may be modified and the subcategory of Blind (B) may be added in the visually handicapped (VH) category. A true copy of the letter dated 16th June, 2021 is annexed herewith and marked as Annexure R/1.”



4. Though no reply/short reply has been filed on behalf of respondent no.2, however, Mr. Sameer Sharma, who appears for respondent no.2, on instructions, submits that the respondent no.2 has received a copy of the letter dated 16.06.2021 referred to by the respondent no.1. He further submits that the respondent no.2 will take remedial action by amending the impugned advertisement. He also submits that while amending the impugned advertisement, the respondent no.2 will also make necessary amendment in the last date of submission for applications by the prospective candidates. The respondent no.2 is bound by statement so made.

5. In view of the aforesaid, Mr. S.K. Rungta, learned Sr. counsel appearing for the applicants, submits that the OA may be disposed of as having become infructuous.

6. Accordingly, the OA is disposed of as having become infructuous. No costs.

7. In view of above, pending MA also stands disposed of.

(R.N. Singh)
Member (J)

(A. K. Bishnoi)
Member (A)

/ravi/ anjali/ akshaya/