

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No.O.A.623/1996

Date of order : 13.9.2004

Present : Hon'ble Mr. D.C. Verma, Vice-Chairman
Hon'ble Mr. Sarweshwar Jha, Administrative Member

GOPAL SAHA

VS.

1. Secretary to the Government of India, Department of Personnel & Training, Ministry of Labour New Delhi
2. Chairman, Staff Selection Commission, Department of Personnel & Training, Block -12, Kendriya Karjalaya, Pani Sar, Lody Road, New Delhi - 110 003
3. Regional Director(ER) Staff Selection Commission, 5, Esplanade Row West, Calcutta - 700 001
4. Assistant Director, Staff Selection Commission, 5, Esplanade Row West, Calcutta - 700 001

For the applicant : None

For the respondents : Ms. U. Sanyal, counsel

O R D E R

Per D.C. Verma, V.C.

By this O.A. the applicant has prayed for a direction to the respondents to consider him as physically handicapped and to make arrangement for the Type test for qualifying in the written part of the examination.

2. The fact in brief is that to an advertisement No.3/1/94 P&P of Staff Selection Commission was published in the Employment News dated 4-9th April, 1994. The applicant applied for the competitive examination for recruitment to the post of Lower Division Clerk which was reserved for Orthopaedically handicapped candidate. The applicant was considered by the Medical Board but was found not eligible as he was partially blind. The applicant submitted a certificate issued by the District Medical Board, North 24 Parganas on the basis of which he got the Admission Card to appear in the Competitive Examination. The



applicant qualified in the written examination, but he was asked by the Assistant Director to submit a certificate issued by the Superintendent, Vocational Rehabilitation Centre for the Physically Handicapped, 38 Badan Roy Lane, Calcutta-10 positively by 22.8.1995 certifying him as physically/orthopaedically handicapped candidate. Before the applicant could submit the said certificate, Regional Director cancelled the applicant's candidature alleging that the applicant did not belong to Orthopaedically Handicapped category. Hence the applicant has approached this Tribunal.


3. The respondents' case is that as per the advertisement only Deaf and Orthopaedically handicapped candidates were included in the PH category. It was clearly mentioned in Para 4(b) of the notice that:-

"Blind/Partially Blind candidates need not apply for this examination."

As per the certificate at Annexure 'A' dated 23.2.1993, the applicant has 40% disability in vision. Consequently it is submitted by the respondents that the applicant was not eligible for appointment to the post of LDC.

4. As none appeared for the applicant, we have with the help of the ld. counsel for the respondents gone through the pleadings on record.

Para 7 of the reply states that in Para 4(b) of the advertisement there was a specific mention that Blind/Partially Blind candidates need not apply for the said examination. The applicant was Partially Blind as per the Medical Certificate. These facts are not denied by filing any rejoinder by the applicant. The applicant, however, has filed a Supplementary Affidavit wherein it is explained in Para 5 that the applicant was born with dislocation of frontal bone and nasal bone around the cavity of his right eye and because of such discord and disintegrity between the said bones, he became victim of visual infirmity since his birth and hence the Medical Board



identified him as an Orthopaedically Handicapped candidate with 40% disability in the vision of his right eye. Even in the representation sent by the applicant on 31.8.1995, it is mentioned that the applicant was informed about having 40% disability in vision. Thus in the Supplementary Affidavit of the applicant it is not denied that the advertisement itself barred applications from Partially Blind candidates. The documents show that the applicant was Partially Blind and this fact is admitted in the Supplementary Affidavit of the applicant. Hence the applicant was not eligible to appear in the Examination for the post of Lower Division Clerk. The relief claimed that the respondents be directed to consider the applicant for the post of LDC under Orthopaedically Handicapped quota, cannot be granted.

5. The O.A. lacks merit and it is accordingly dismissed. No order as to costs.


MEMBER(A)


VICE-CHAIRMAN