

**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH**

T.A. No.20 of 1997
(CO No.12744/W-93)

Present : Hon'ble Mr.Justice G.L. Gupta, Vice-Chairman
Hon'ble Mr. S. Biswas, Administrative Member

Surojit Roychowdhury, S/o Sri Nandalal
Roychowdhury, 67, New Basudevpur Road,
P.O. and P.S. Belghoria, Calcutta-56

... Applicant

VS

1. Union of India, service through the
Secretary, Department of Home Affairs,
New Delhi
2. Staff Selection Commission, Govt. of
India, Department of Personnel and
Training, Block No.12, CGO Complex, Lodhi
Road, New Delhi-110 003
3. Regional Director, Eastern Region,
Staff Selection Commission, Govt. of
India, Department of Personnel and
Training, 5, Esplanade Row West, Old
Assembly Building, Calcutta-700 001

... Respondents

For the Applicant : Mr. S. Chakraborty, counsel

For the Respondents: Mrs.Uma Sanyal, counsel

: : Date of order: 9 -04-2002

O R D E R

* Per Mr. Justice G. L. Gupta,

This application has been received by transfer from
Hon'ble Calcutta High Court vide their order dated 26.6.2001.

2. The applicant seeks directions to the respondents for giving appointment to him on the post of Stenographer Gr. 'D'.

It has been averred that the Government of India has issued a letter dated 28.2.86 to the effect that physically handicapped persons are suitable for Group 'C' and 'D' posts, including the post of Stenographer. On 3.1.92 an advertisement was issued by the Staff Selection Commission (SSC), New Delhi inviting application for the post of Gr. 'D' Stenographer. The applicant applied for the post and he succeeded both in the written test



and shorthand test. However, the applicant was sent a letter dated 5.8.93 asking him to showcause why his candidature should not be cancelled. The applicant replied that the post was claimed on the basis of the Govt. of India letter dated 28.2.86. However, the respondents have cancelled the candidature of the applicant vide letter dated 24.8.93. It has been prayed that the communication dated 24.8.93 be quashed and the respondents be directed to provide employment and to issue appointment letter in favour of the applicant for Stenographer Gr. 'D' post.

3. In the reply, the respondents' case is that in the Employment News dated 3.1.92 it was clearly mentioned that there was reservation for SC/ ST and ex-serviceman and physically handicapped (Orthopaedically Handicapped only). It has been further stated that the applicant is not Orthopaedically handicapped person as he has filed a certificate showing that he is E&T handicapped and therefore, he is not entitled to appointment to the post meant for physically handicapped.

4. The applicant in his rejoinder has reiterated the facts stated in the application. He has stated that he was issued admit card which shows that he was eligible for appointment.

5. We have heard the learned counsel for the parties and perused the documents placed on record. A reading of the Employment News, Annexure 'A' placed on record by the respondents shows that there was reservation for SC/ ST candidates, Ex-serviceman and physically handicapped (Orthopaedically handicapped only). It was clearly stated in the notification that candidates who wished to be considered against vacancies reserved for Physically Handicapped persons (Orthopaedically



Handicapped) must submit requisite certificates (as per Appendix IV) from the competent authority. It is obvious that in the news item it was made clear that the posts which were reserved for physically handicapped persons were meant only for the Orthopaedically handicapped persons. A person may be physically handicapped for various reasons. He may be orthopedically handicapped, he may be deaf and dumb or he may be blind. The posts are reserved for particular type of handicapped persons. It is not permissible to give appointment to a person who is E&T handicapped when the post is reserved for orthopedically handicapped persons. It may be pointed out here that there is total reservation of 3% for the physically handicapped persons vide order dated 28.2.86 relied on by the applicant. In that memorandum it has also been stated in clear terms that there is reservation of one person for each type of physically handicapped person, such as blind, deaf and dumb, and orthopedically handicapped. The applicant, admittedly, was not orthopedically handicapped person and therefore, it cannot be said that the respondents have erred when they cancelled his candidature.

6. It is significant to point out that in the admit card issued to the applicant, Annexure 'E' it was clearly stated that the admission to the test was provisional and if it was found later on that the candidate did not fulfil any of the conditions of eligibility, his candidature would be liable to be cancelled. Thus the applicant cannot claim appointment on the basis of the issuance of the admit card.

7. Having considered the entire material on record we are of the considered view that the respondents have rightly rejected the candidature of the applicant, who is not orthopedically handicapped person.

