

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No.
~~XXXXXX~~

273 of 1991.

DATE OF DECISION 13.10.92

P. Ambu Applicant (s)

Mr. V.N.Ramesan Advocate for the Applicant (s)

Versus

The Director General/Secretary
Indian Council of Agriculture Research
and others Respondent (s)

Mr. U.P. Kunikullaya (R.2) Advocate for the Respondent (s)
None for others

CORAM :

The Hon'ble Mr. S.P.Mukerji, Vice Chairman
and

The Hon'ble Mr. N.Dharmadan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? Y
2. To be referred to the Reporter or not? W
3. Whether their Lordships wish to see the fair copy of the Judgement? W
4. To be circulated to all Benches of the Tribunal? W


JUDGEMENT

(Hon'ble Shri S.P.Mukerji, Vice Chairman)

We have heard the learned counsel for both the parties on this application dated 15.2.1991 filed under Section 19 of the Administrative Tribunals Act in which the applicant has claimed preference ^{in appointment} over Respondent No.3 on the basis of his degree of blindness. After hearing the arguments of the learned counsel for both the parties we had directed that a medical board should examine the degree of blindness of both the applicant and Respondent No.3. From the report of the medical board it is clear that the degree of blindness in both of them are more or less equal. In any case both of them fall within the definition of blindness so as to be eligible for competing for reserved ^{vacancies} quota earmarked for physically handicapped persons. The

learned counsel for the applicant claims preferential treatment on the basis of the fact that the applicant was more blind than Respondent No.3 in as much as the applicant had to take assistance of another person to write the examination. We cannot accept this argument because the ^{degree of blindness which is the} criterion of eligibility cannot take the place of the criterion of selection. It is admitted that the performance of Respondent No.3 in the written examination and interview was better than that of the applicant even though the latter had taken the assistance of another person in writing the examination.

2. In the circumstances, we see no merit in the application and dismiss the same without any order as to costs.


(N.D. HARMADAN)
JUDICIAL MEMBER


(S.P. MUKERJI)
VICE CHAIRMAN

13.10.92

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