

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

T.A./100/6/2015
(WP(C) 3719/2014)

New Delhi, this the 4th day of July, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Shri Kailash Lakhera
R/o Vill. Jakhara
Tehsil Degana, Distt. Nagaur,
Rajasthan-341301Applicant

(None appeared)

Versus

1. Ministry of Social Justice and Empowerment
Through its Secretary,
Room No. 633, A Wing,
6th Floor, Shastri Bhawan,
New Delhi
2. Ministry of Health and Family Welfare
Through its Secretary
Nirman Bhawan, New Delhi-110011
3. Indian Nursing Council
Through its Secretary
Combined Councils Building
Kotla Road, Temple Lane
Opp. Mata Sundri College
Near I.T.O., New Delhi-110002
4. Rajasthan Nursing Council,
Through its Registrar,
B-39, Sardar Patel Marg,
C-Scheme, Jaipur,
Rajasthan

(Through Shri Piyush Gaur, for respondent 1
Shri Atul Kumar, for respondent 2
Shri VSR Krishna, for respondent 3)

ORDER (Oral)

Justice L. Narasimha Reddy, Chairman

The applicant claims to be a hearing impaired person. He completed 3 years course in Nursing from a recognized institute at Jaipur in the year 2008-09. He is working as a Staff Nurse in the Fortis Escorts Hospital, Jaipur.

2. An advertisement was issued by the AIIMS in the year 2010 for selection and appointment of Staff Nurses (Sister Gr. II). An examination for that purpose was conducted on 28.02.2010. The applicant participated therein by claiming reservation under physically handicapped category. The grievance of the applicant is that no reservation is provided in favour of hearing impaired persons under Section 32 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

3. The applicant initially filed Writ Petition (C) No.3719/2014 before the Delhi High Court with a prayer to direct the respondents to follow the mandate of Section 32 (b) of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and to update the list of reserved category. Further direction to the respondents to consider his case for appointment to the post of Nurse in any government hospital was also sought. The

Writ Petition was transferred to the Tribunal and it was re-numbered as TA 6/2015.

4. The applicant contends that the respondents were under obligation to update the list which was prepared in the year 2007 and the hearing impaired candidates were required to be provided reservation.

5. Respondents 1 and 2 filed separate counter affidavits. It is stated that the Ministry of Social Justice and Empowerment examined the issue in detail and the notification which was issued earlier on 15.03.2007 was updated on 29.07.2013. According to them, the concerned authority felt that the hearing impaired did not deserve to be included in the list of reservation.

6. There is no representation for the applicant. We, therefore, proceeded under Section 15 of the CAT (Procedure) Rules, 1987.

7. Heard Shri Piyush Gaur, for respondent 1, Shri Atul Kumar, for respondent 2 and Shri V.S.R. Krishna, for respondent 3.

8. The applicant took part in the examination way back in the year 2010. The selections, in pursuance thereof, have been concluded. The applicant wants relief, in general terms, viz. that the notification issued in the year 2007 be updated.

It is stated in the counter affidavit that a notification was issued in the year 2013, revising the list of categories in the context of reservation in favour of persons with disabilities. It is further stated that hearing impairment was not treated as a disability for the post of Staff Nurse, in the context of providing reservation.

9. The Tribunal cannot sit as an Appellate Authority in the matters of this nature. At any rate, the applicant does not have any cause of action. The OA is, therefore, dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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