



CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA

OA No.44 of 2013

Dated of order: 30.03.2016

PRESENT:

THE HON'BLE MR. JUSTICE V.C.GUPTA, JUDICIAL MEMBER
THE HON'BLE MS. JAYA DAS GUPTA, ADMINISTRATIVE MEMBER

DULU DEY
V/S
S.E.RLY

For the Applicant :None
For the Respondents :Mr.P.Prasad, Counsel.

ORDER

JUSTICE V.C.GUPTA, JM:

The learned counsel for the Respondents is present and is heard. Perused the records.

2. None is present for the Applicant.
3. The brief facts of this case are that the Applicant, who is a blind since birth, had appeared in the written examination pursuant to an Employment Notice No. SER/RRC/2/2010 dated 15/12/2010 under Visually Handicapped Category "in short VH category" against 65 vacancies reserved for VH category candidates. He was declared successful in the written examination and was otherwise eligible for the medical examination. He was called for documentation verification on 24/09/2012. Thereafter, he was not called for medical examination albeit other VH category candidates were medically examined. He submitted a

- 2 -

representation on 10.11.2012. Thereafter, vide letter dated 21.11.2012 (Annexure-A/5) he was informed by the Dy. Chief Personnel Officer I(Recrt.), Kolkata as under:

"Sub: Recruitment to erstwhile Gr. D category with Grade Pay Rs. 1800/-.

Ref: Employment Notification No. SER/RRC/2/2010 dated 15.12.2010.

You had applied for recruitment/appointment in response to above mentioned Employment Notification which had also earmarked certain posts for Person with Disability (OH/VH/HH). The notification clearly indicated that posts earmarked for VH (Visually Handicapped) are meant for LV (Lower Vision) persons only. Para 2.5 of the Notification gave definition of Disability. The terms 'blind' and "Lower Division" had also been defined at item 2.5 (a) & (b) of the said notification. Had you gone through the definition in item 2.5, you would have not applied against these vacancies. Detailed document verification had not been done before holding written examination. You had been called for written examination on the basis of application as Visually Handicapped. Based on your performance in the written test you were called for document verification. During document verification it was seen that **your Visual Disability is 100%**. As such, **you are not suitable for the posts notified for recruitment**. These posts are earmarked for Visually Handicapped persons with Lower Vision (Partially Blind).

In the above circumstances this railway cannot consider your candidature for above recruitment. Inconvenience caused is regretted."

4. A reply has been filed by the Respondents in which it has been stated that in the notification itself it was specifically made clear that Low Vision VH candidates are eligible to apply. In

A handwritten signature in black ink, appearing to read "S. M. S."

the reply, the respondents have highlighted the Definition of Disabilities which is extracted hereunder:

"2.5. Definition of Disabilities:

(a) Blindness: 'Blindness' refers to a condition where a person suffers from any of the following conditions, namely: (i) total absence of sight; or (ii) visual acuity not exceeding 6/60 or 20/200 (Snellen) in the better eye with correcting lenses; or (iii) limitation of the field of vision subtending an angle of 20 degree or worse;

(b) Low Vision: 'Person with the vision' means a person with impairment of visual functioning even after treatment or standard refractive correction but who uses or is potentially capable of using vision for the planning or execution of a task with appropriate assistive device".

It has been contended that the posts for which advertisement was made a total blind person cannot be found suitable and only persons having low vision can be considered and the applicant being 100% ^{blind} was not entitled to be empanelled and thus, his candidature was rightly rejected.

5. Rejoinder-affidavit has also been filed reiterating the stand taken in the Original Application.

6. The learned counsel for the Respondents submitted that it is not in dispute that the applicant is a 100% blind and, therefore, is not capable of performing the duties against the advertisement ^{posts} ~~vacancies~~. Hence, his candidature was rejected.

7. On perusal of the aforesaid letter dated 21st November, 2012, cited supra, it reveals that the posts against which the



applicant appeared in the written examination were earmarked for Person with Disability (OH/VH/HH) and in so far as VH candidates are concerned in the notification it was clearly indicated that the posts earmarked for VH (Visually Handicapped) are meant for LV (Lower Vision) persons only and not for 100% blind candidates and as such the candidature of the applicant was rejected. We find no flaw in the decision of the respondents in rejecting the candidature of the applicant for the aforesaid reason.

8. This OA is accordingly dismissed. No costs.

(Jaya Das Gupta)
Admn. Member

(Justice V.C. Gupta)
Judicial Member