



सत्यमेव जयते

न्यायालय मुख्य आयुक्त निःशक्तजन
Court of Chief Commissioner for Persons with Disabilities
सामाजिक न्याय एवं अधिकारिता मंत्रालय
Ministry of Social Justice & Empowerment
निःशक्तता कार्य विभाग / Department of Disability Affairs

Case No.969/1014/2014

Dated:-15.09.2014

In the matter of:

Shri Bablu Kumar Ram,
S/o Late Adalat Ram,
Village – Aam Dhadi, Post – Aam Dhadi,
District – Chhapra,
Bihar – 841208.

..... Complainant

Versus

Northern Railway,
Through Chief Personnel Officer,
Railway Recruitment Cell,
Lajpat Nagar,
New Delhi.

..... Respondent

Date of hearing : 02.09.2014

Present :

1. Shri Bablu Kumar Ram, Complainant.
2. Shri S.S. Rana, APO/RRC, on behalf of the Respondent.

ORDER

The above named complainant, a person with blindness, filed a complaint dated 31.01.2014 under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the Act regarding recruitment of Group 'D' staff by Railway Recruitment Cell, New Delhi.

2. The complainant submitted that he appeared in the competitive examination on 24.11.2013 held by the Railway Recruitment Cell, New Delhi for Group 'D' staff but after one month, his candidature was cancelled due to his blindness. According to the complainant, his roll number for the written examination was 30304950.

3. Section 33 of the Persons with Disabilities Act, 1995 provides as under:-

“Section 33. Every appropriate Government shall appoint in every establishment such percentage of vacancies not less than three per cent for persons or class of persons with disability of which one per cent each shall be reserved for persons suffering from –

.....2/-

(i) Blindness or low vision; (ii) Hearing impairment, (iii) Loco motor disability or cerebral palsy, in the posts identified for each disability;

Provided that the appropriate Government may, having regard to the type of work carried on in any department or establishment, by notification subject to such conditions, if any, as may be specified in such notification, exempt any establishment from the provisions of this section.”

4. The matter was taken up with the Chief Personnel Officer, Northern Railway, Railway Recruitment Cell, Lajpat Nagar, New Delhi vide this Court's letter dated 13.05.2014.

5. Chairman, Railway Recruitment Cell, New Delhi vide letter No. 220-E/Open-MK1/RRC/2010 dated 10.06.2014 submitted that all the posts advertised in the notification dated 30.08.2012 are identified for low vision and not for blinds. Accordingly, the case of Shri Bablu by rejected by their office.

6. Upon considering the reply dated 10.06.2014 of the respondent, the case was scheduled for hearing on 02.09.2014.

7. During the hearing on 02.09.2014, the complainant reiterating his written submissions and put forth the following points for arguments:-

- (i) That the respondent explicitly mentioned in the advertisement that certain posts were reserved for persons with low vision only.
- (ii) That assuming that post was meant for only low vision, why the other category of disabled persons were allowed to take the written test and why is it that his application was not rejected outright.
- (iii) Some persons with blindness have been appointed to similar posts in Bhopal and Patna on the basis of the same advertisement.

8. The representative of the respondent submitted letter No.220-E/Open Mkt/RRC/2012 dated 01.09.2014 which reads as under:-

“In pursuance to this office notification No.220E/Open Mkt/RRC/2012, a recruitment process to fill up 7368 vacancies in Pay Bank-I Rs.5200-20200 GP Rs.1800/- Group 'D' post was initiated. In the said notification detailed information for the candidates was given. Notification clearly stipulates how to apply, general conditions, invalid applications and mode of selection etc. 3% (i.e. 1% OH, 1% HH and 1% VH) of the total vacancies (7368) are reserved for PWD candidates with clear stipulation that such candidates will be accommodated on identified posts. In para 4 of the notification it was informed that PWD candidates are requested to please go through the RRC website before filling up their applications form. the RRC Website explains the posts which are identified for a particular type of disability. Despite such instructions some blind candidates applied to RRC against this notification and even appeared

in the written examination. But before declaration of result the candidates of the all blind candidates was rejected on the ground that no advertised posts is identified for blinds, though low vision candidates to the extent of 1% reservation given to VH category are being considered for appointment in Railways.”

He drew the attention of this Court to para 4 of the advertisement dated 30.08.2012 which, among other things, states that the applicants should visit the RRC website for ascertaining further details. The said para 4 is reproduced below:-

“4. *Persons with Disabilities (PWD):*

PWD candidates will be valid only if the disability form is issued on Annexure 4.

Definitions of Disabilities in detail has been uploaded on website. Concerned candidates are requested to please go through it before filling up their application form.”

9. Responding to the point no.2 of the complainant, the respondent stated that admission of the candidates in the selection procedure was provisional all through and the application could be rejected at any stage as has been mentioned in the corresponding advertisement.

10. Responding to point no. 3 of the complainant, the respondent stated that the complainant and other persons referred to by the complainant who have allegedly been appointed in Bhopal and Patna cannot be on the basis of same advertisement since advertisements are made on the zonal basis. He further clarified that Patna and Bhopal are outside the purview of the Northern Zone of Indian Railways. The respondent also emphasized that assuming that such appointments, as have been alleged by the complainant, were, in fact, made in Patna and Bhopal respectively, such error or illegality cannot be perpetuated.

11. In the above view of the matter, it appears that complainant has no case, more particularly, since the advertised posts are not identified for persons with blindness. This explains why this Court is unable to give any direction to the respondent.

12. The matter stands disposed off accordingly.

Sd/-

(P. K. Pincha)
Chief Commissioner
for Persons with Disabilities