

Court No. - 39

Case :- WRIT - A No. - 16729 of 2023

Petitioner :- Satish Kumar

Respondent :- Union Of India And 3 Others

Counsel for Petitioner :- Piyush Kant Vishwakarma

Counsel for Respondent :- A.S.G.I.,Gaurav Kumar Chand

Hon'ble Saumitra Dayal Singh,J.

Hon'ble Shiv Shanker Prasad,J.

1. Heard Sri Piyush Kant Vishwakarma, learned counsel for the petitioner and Sri Gaurav Kumar Chand, learned counsel for respondent nos. 1, 2 and 3.
2. Present writ petition has been filed against the order of the Central Administrative Tribunal, Allahabad Bench, Allahbad dated 29.05.2023 passed in Original Application No. 793 of 2016 (Satish Kumar Vs. Union of India & 2 Ors.). By that order, the learned Tribunal has rejected the original application filed by the petitioner. Primarily, the petitioner had sought relief of appointment as a person with disability under OH category i.e. claiming locomotor disability.
3. Pursuant to the last order, Sri Chand has produced written instruction appending thereto copy of the original advertisement, original application submitted by the petitioner, copy of the OMR answer sheet, copy of the certificate dated 17.06.2008 submitted by the petitioner claiming physical disability, certificate dated 24.02.2015, fitness certificate as also the medical certificate prepared by the respondents.
4. Having heard learned counsel for the parties and having perused the record including the documents produced with the written instruction, it is undisputed, the petitioner applied for appointment claiming disability under VH category i.e. vision handicapped. That disclosure was also made by the petitioner on his OMR answer sheet as well. The two certificates relied

upon by the petitioner dated 17.06.2008 and 24.02.2015 in support of his disability indicate that vide the certificate dated 17.06.2008, the petitioner claimed speech and hearing impairment whereas in the other certificate dated 24.02.2015 effectively, the petitioner claimed locomotor disability. In neither certificate, the petitioner claimed vision handicap. Even the fitness certificate indicate locomotor disorder.

5. On the other hand, upon medical examination conducted by the respondents, the petitioner was carrying OH disability i.e. locomotor disorder.

6. Learned counsel for the respondent has brought on record written instructions. The same has been marked as 'X' and retained on record. The correctness of facts disclosed therein is not disputed by learned counsel for the petitioner.

7. In view of undisputed facts, it cannot be denied that the petitioner had claimed vision handicap whereas he could not substantiate that claim on the strength of any certificate. The certificates that the petitioner produced disclosed hearing handicap and locomotor handicap.

8. Once the petitioner is found to have made a wrong declaration with respect to his status of reservation claimed, he was never entitled to any discretionary relief.

9. Seen in that light, the Tribunal has not erred in rejecting the claim made by the petitioner. We find no merit in the writ petition. Present writ petition lacks merit and is accordingly **dismissed**. No order as to cost.

Order Date :- 2.11.2023

Abhilash

(Shiv Shanker Prasad, J.) (S. D. Singh, J.)