

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.5986 of 2005

ORDER:

The petitioner, a Constable in the Border Security Force, was retired from service under proceedings dated 26.02.2005 on the ground that he was declared completely and permanently incapacitated for further retention in service by a duly constituted Medical Board. Admittedly, the petitioner suffers from epilepsy. Aggrieved by his enforced retirement from service, he filed the present writ petition and sought a consequential direction to consider his case for reinstatement as a Constable or in any other suitable post.

Sri K.L.N.Raghavendra Reddy, learned counsel representing Sri B.Narayana Reddy, learned Assistant Solicitor General of India, informed this Court that a notification was issued under the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, exempting the Border Security Force, along with other uniformed services, from the provisions of the said Act and more particularly, Section 47, which mandates alternate employment being provided to disabled employees.

In the light of this notification, the petitioner can have no legal entitlement to alternate employment on the ground of his disability to continue in service as a Constable. In the absence of such a right, this Court cannot direct the respondents to provide alternate employment to him.

The writ petition is devoid of merit and is accordingly dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

Date:30.10.2015

GJ