

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.39156 of 2013

ORDER:

The father of petitioner was a displaced person on account of acquisition of his house-site for the purpose of construction of Visakhapatnam Steel Plant. He was issued R-Card No.72. An alternative site was also provided at Pedagantyada RHC, Visakhapatnam. The petitioner passed 10th Class and ITI (Mechanical Trade) (Machinist). He was called for interview for the post of Junior Trainee held on 18th to 22nd January, 2010. Later on, he was asked to appear for the medical examination on 11.02.2010, where he attended. When another notification was issued for 453 posts of Junior Trainees, he successfully attended the written test and interview. But, during the course of medical examination, it was found that he was having colour blindness and he was declared unfit for the said post. The petitioner states that he should be provided with a suitable post depending upon his medical condition and in fact, in identical circumstances, this Court in W.P.No.5464/1990 disposed of the said writ petition by order dated 07.04.1997 directing the respondents therein to consider the case of petitioner therein for a suitable post. The said order was upheld in W.A.No.698/1997 dated 26.06.1997. The petitioner states that he is also similarly situated. The petitioner filed W.P.No.21004/2013 challenging the proceedings of respondent No.2 therein dated 05.06.2013 declaring him as unfit. The said writ petition was disposed of on 18.07.2013 by directing the respondents to consider the case of petitioner along with other candidates, who stand on the same priority, as a land looser. This writ petition is filed challenging the proceedings dated 23.09.2013

of respondent No.2 cancelling the selection of petitioner to the post of Junior Trainee by declaring him as medically “unfit”.

A counter affidavit is filed stating that the assurance given in W.P.No.21004/2013 is only to consider the case of petitioner, if the petitioner responds to any notification for recruitment on the establishment side. The respondent is willing to obey and comply with the said direction. But, the interim direction in the present writ petition would cast an obligation on respondent No.1 to appoint the petitioner in any suitable post and the same cannot be done.

Learned counsel for the petitioner fairly submits that in view of the undertaking given by respondent No.1 in W.P.No.21004/2013 to consider the case of petitioner, if the petitioner applies pursuant to any notification for recruitment on establishment side, this writ petition can be closed by recording such an undertaking.

In the result, this Writ Petition is closed by recording the statement made in paragraph No.8 of the counter affidavit, filed in the present writ petition, agreeing to comply with the assurance given in W.P. No.21004/2013, as and when the petitioner applies pursuant to a notification for recruitment on the establishment side. No order as to costs.

Miscellaneous Petitions pending, if any, shall stand closed.

A.RAMALINGESWARA RAO, J

29.08.2016

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Note: Issue C.C. in two days

(B/O)

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