

***IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

***THE HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN**

and

***THE HON'BLE SRI JUSTICE M. GANGA RAO**

+Writ Petition No.19120 of 2017

Between:

#P. Shajida Begum, D/o late Jaffar Khan,
W/o Shaik Abdul Rahiman, aged 45 years,
Occ: Contract Teacher, R/o Telephone Exchange,
BSNL, Ulavapadu, Prakasama District

... Petitioner

Vs.

#The Andhra Pradesh Public Service Commission,
Hyderabad, represented by its Secretary, Nampally,
Hyderabad and 4 others

.. Respondents

!For Petitioner : Mr. S. Madhava Rao

^For Respondents : Mr. Srinivasa Baba,
Standing counsel for APPSC
G.P. for GAD

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

HON'BLE SRI JUSTICE M. GANGA RAO

Writ Petition No.19120 of 2017

ORDER: (V. Ramasubramanian, J)

The petitioner whose case for appointment to the post of Hindi teacher under the quota reserved for hearing impaired, was not considered, has come up with the above writ petition.

2. Heard Sri S. Madhava Rao, learned counsel for the petitioner, the learned Government Pleader for Services, Mr. C. Srinivasa Baba, learned standing counsel for the Andhra Pradesh Public Service Commission and Smt. M. Sivajyothi, learned counsel appearing for the 4th respondent.

3. By notifications dated 19-02-2008 and 26-11-2008, applications were invited for appointment to various posts including the post of Junior Lecturer (Hindi) in the Intermediate Education Service. The petitioner applied. She also claimed to be hearing impaired and hence, applied under the quota for physically challenged.

4. The petitioner was short listed in the written examination held on 03-12-2011 and she also participated in the viva voce held on 29-06-2012.

5. Therefore, the petitioner was directed to appear at the E.N.T. Hospital for testing the percentage of her disability. She was certified with a disability of 39% and hence, she was not considered under the quota for hearing impaired.

6. Challenging the decision of the respondents, the petitioner filed an application in O.A.No.779 of 2013 on the file of Andhra Pradesh Administrative Tribunal. The Tribunal dismissed the Original Application, forcing the petitioner to come up with the above writ petition.

7. It appears that different hospitals assessed the percentage of disability of the petitioner at different levels, indicating the disability and deficiency in the system itself. The dates, the institutions and the percentage of disability assessed by those institutions are produced in a tabular column in para-12 of the affidavit in support of the writ petition as follows:

S.No.	Exhibit	Date	Name of the Hospital	Percentage of disability
1.	P6	26-06-2012	Rajiv Gandhi Institute of Medical Sciences, Ongole	98%
2.	P7	06-10-2012	Sri Vingeeswara Speech & Hearing Centre, Nellore	90.90%
3.	P8	04-06-2014	Rajiv Gandhi Institute of Medical Sciences, Ongole	100%
4.	P9	11-01-2016	Government General Hospital, Guntur	96%
5.	P10	27-10-2016	Ali Yavar Jung National Institute for the Hearing Handicapped, Secunderabad	90%
6.	P11	28-07-2015	Shravya Hospital, Ongole (Private Hospital)	Bilateral Profound Loss

8. In the light of the above contradictions, a Bench of this Court passed an order on 19-09-2017, which reads as follows:

“On the direction of this Court, Sri C. Srinivasa Baba, learned standing counsel for respondent No.1, has produced the record, a perusal of which shows that the original report dated 17-07-2013 of the Medical Board, which is disputed by the petitioner, is not available. We have also observed the petitioner, who is personally present. She is wearing hearing aids for both the ears. She has taken off the hearing aids standing near the Bench and informed the Court that she is not able to hear anything of what we said without the hearing aids. In these circumstances, we reiterate the order dated 21-07-2017. The Registrar

(Judicial) must ensure that a date is fixed for testing of the petitioner by the Medical Board constituted by Government E.N.T. Hospital, Visakhapatnam, and the same is informed to Sri S. Madhava Rao, learned counsel for the petitioner, and that after such test, the report is sent to the High Court. All this exercise must be completed within one month.”

9. Pursuant to the said order, the petitioner was examined by a team of doctors at the Government E.N.T. Hospital, Visakhapatnam and the report was submitted in a sealed envelop on 30-10-2017. After opening the sealed envelop, this Court passed an order on 30-10-2017 as follows:

“Pursuant to the interim order passed by this Court on 19-9-2017, the petitioner was examined by the team of doctors at the Government ENT Hospital, Visakhapatnam. The Superintendent of the Government ENT Hospital, Visakhapatnam, has submitted a report in a sealed envelope. The contents of the report read as follows:

“With reference to your letter we have examined P.Shajida Begum certificates and detailed Audiological examination done by a team of Doctors & Audiologist and herewith submitting the detailed reports with loss of hearing impairment in decibels and percentage of disability is mentioned below.

Sl N	Name of the candidate	Sensori Neural Hearing loss in dB (decibels)		Percentage of disability
		Rt	Lt	
1	P.Shajida Begum	100dB	100dB	100% (Hundred Percentage)

10. In the light of the report that this Court has now received from the Government E.N.T. Hospital, Visakhapatnam, we do not think that the stand taken by the respondents can be sustained. The report now obtained through the Court, has clinched the issue.

11. Therefore, the writ petition is allowed, the order of the Tribunal is set aside and a direction is issued to the Andhra Pradesh Public Service Commission to forward the name of the petitioner to

the respondents 2, 4 and 5. The Public Service Commission shall send it within two (2) weeks of receipt of a copy of this order. Thereafter, one of the respondents namely, respondents 2, 4 or 5, whoever is the appointing authority, shall issue order of appointment within a period of four (4) weeks from the date of receipt of a communication from the Public Service Commission.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

M. GANGA RAO, J

Date: 29-11-2017

Ksn

