

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No.7596 of 2016

Date of Decision:02.06.2017

Jasmer Singh

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. Sushil Bhardwaj, Advocate for the petitioner.

Mr. R.K. Doon, A.A.G. Haryana.

P.B. BAJANTHRI J. (Oral)

Petitioner has assailed order dated 10.02.2016 (Annexure P-13) by which his candidature for the post of Assistant Superintendent Jail has been rejected on the score that petitioner has colour blindness.

Respondents have notified 29 posts of Assistant Superintendent Jail on 14.8.2010. Petitioner is a candidate under the ex-servicemen quota. He has fulfilled the requisite qualification prescribed for the post and he is one of the selected candidate. After due selection to the post of Assistant Superintendent Jail, petitioner was subjected to medical examination. In the medical examination, it was held that the petitioner is fit for non technical post. Thereafter, there was protracted correspondence between the official respondents and the Medical Superintendent, Pt B.D. Sharma PGIMS Rohtak and petitioner's claim was not considered for appointment.

Learned counsel for the petitioner submitted that under the Right to Information Act, he has got information from the department to the extent that post of Assistant Superintendent Jail is non technical post with reference to Annexure P-8. Therefore, rejection of the petitioner's candidature to the post of Assistant Superintendent Jail with reference to

colour blindness is incorrect since in the advertisement while mentioning the physical standard nowhere they have stated in respect of eye fitness like eye vision or colour blindness etc. In order to deny the petitioner's selection and appointment, only in the year 2016, it was contended that the petitioner is not fit for non technical post on the ground that he is suffering from colour blindness.

Per contra, learned counsel for the respondents vehemently contended that petitioner is suffering from colour blindness. Therefore, he is not fit to hold the post of Assistant Superintendent Jail. Thus, there is no infirmity in not considering petitioner's name for selection and appointment to the post of Assistant Superintendent Jail.

Heard learned counsel for the parties.

Short question in the present petition is whether colour blindness of the petitioner would be a hurdle for selection and appointment to the post of Assistant Superintendent Jail or not?

Perusal of advertisement, nowhere physical standard in respect of eye has been prescribed or stipulated. Therefore, contention of the respondents that the petitioner suffering from colour blindness, therefore, he is not entitled to be selected and appointed to the post of Assistant Superintendent Jail is hereby rejected. One more aspect of the matter is whether it is technical or non technical post. Admittedly, the respondents furnished information that the post of Assistant Superintendent Jail is executive post (Non Technical Post). Since medical officers have opined that petitioner is fit for non-technical post. Petitioner is entitled to appointment.

In view of the above facts and circumstances, order dated

10.2.2016 (Annexure P-13) is set aside. Concerned respondent is hereby directed to consider the petitioner's name for appointment to the post of Assistant Superintendent Jail and issue order of appointment within a period of three months from today. Order of appointment would be on notional basis.

Petition stands allowed.

02.06.2017
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**