

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT APPEAL NO.623 OF 2018

JUDGMENT: (per SK,J)

The appellant is the unsuccessful petitioner in W.P.No.9964 of 2009 which was dismissed by a learned Judge of this Court *vide* order dated 13.10.2015. His prayer therein was to declare the action of the authorities in not considering his claim for appointment to the post of Sub-Engineer as illegal. The appellant-petitioner claims to be a person with locomotor disability. The post of Sub-Engineer notified by the authorities was reserved for the visually impaired category. Admittedly, no candidate with visual impairment was available. In terms of Sections 33 and 36 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, the authorities were bound to carry forward the vacancy in the event it could not be filled up due to non-availability of a suitable person with the notified disability. Therefore, the failure on the part of the authorities to fill up the notified post meant for the visually impaired category with a person with locomotor disability cannot be found fault with.

We are now informed by Sri N.Siva Reddy, learned counsel for the respondents, that the subject post which was notified under the visually impaired category during the recruitment year 2005 was carried forward and was notified in 2010. As a suitable and eligible visually impaired candidate came forward and was duly selected, the vacancy does not even remain for consideration at this point of time.

In the light of the aforesaid facts, we find no error having been committed by the learned Judge warranting interference in appeal.

The writ appeal 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

M.GANGA RAO,J

Date:28.11.2018

GJ

