

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9657 of 2020

Ujjwal Kumar S/o- Dr. Ashok Kumar Resident of Chak- Nawada, Ward No. 04, Dalsinghsarai, Samastipur, P.S.- Dalsinghsarai, Bihar.

... .. Petitioner/s

Versus

1. The Union of India India.
2. The Chairman Staff Selection Commission (SSC), Block No. 12, CGO Complex, Lodi Road, New Delhi- 110003.
3. The Director Staff Selection Commission (SSC), Central Region, Kendriya Sadan, 34/A, M.G. Marge, Civil Lines, Prayag, (U.P.) Pin-1.
4. The Director Staff Selection Commission (SSC), Eastern Region, 1st, M.S.O. Building 8th floor, 23/4, Jagdish Chandra Road, Kolkatta, Pin-20.
5. The Secretary Ministry of Social Justice and Empowerment Department of Empowerment of Persons with Disabilities (Divyangian), 5th floor, Antyodaya Bhawan, CGO Complex, N.D.- 1100035.
6. The Secretary Ministry of Personnel, Public Grievance and Pensions, Government of India, New Delhi.
7. The Secretary Department of Personnel and Training, Government of India, New Delhi.
8. The Secretary Ministry of Finance, Government of India, New Delhi.
9. The Chairman Central Board of Direct Taxes, 9th Floor, Nayak Bhawan, Khan Market, New Delhi.
10. The Chairman Central Board of Excise and Costoms, North Block Central Secretariat, New Delhi.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Alok, Advocate
For the Respondent/s	:	Mr. Dr. K. N. Singh (ASG)
		Mr. Rajesh Kumar Verma, Assistant S.G.
		Mr. T.N. Thakur, C.G.C.
		Mr. Shubham Saurav, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 26-03-2021

Petitioner has prayed for the following relief(s):

“1(i) To hold and declare that as per the



Rights of Persons with Disabilities Act, 2016, under the category of Visual impairment, there are just two categories namely (a) “blindness” and (b) “low vision” and there is no such category called Partially Blind. Thus artificial creation of any such category (Partially Blind) is it to be set aside and be declared ultra virus.

(ii) To direct the respondents to declare the petitioner successful in the Combined Graduate Level Examination-2017 conducted by of the Staff Selection Commission (in short the ‘Commission) and thereafter issue appointment letter either on D-14 and/or D-15 posts, the on the ground that the petitioner has scored in Total 464.5 out of 700 which is well above the cut of marks in his category VH7 (Visually Handicapped) for the D-14 and/or D-15 posts and as the petitioner was wrongly not allowed to make preference for the post D-14 and D-15 on the ground that these posts are not for his category of candidates but are reserved for the so called category-Partially Blind whereas, as per the Rights of Persons with Disabilities Act, 2016.

(iii) To direct the respondents concerned to hold enquiry and thereafter to take proper action against the authorities because of whom, the petitioner and similarly other candidates (of L.V category) were deliberately not allowed to mention the post D-14 and D-15 as preference posts (by the concerned SSC staff) by stating that the system is not accepting post preference



of D14 and D15 for candidates who filed their form under LV Category and accepting for, the so called Partially Blind candidates thus did not honour the duly filled preference formant submitted, at the time of document verification on 22.06.2019 and instead said prescribed formant was again generated and the petitioner was made to put his signature on it.

(iv) For any other relief/reliefs for which the petitioner may be found entitled.”

In view of the law laid down by Hon’ble the Apex Court in the case of **L. Chandra Kumar Vs. Union of India, (1997) 3 SCC 261**, we dispose of the present petition with direction to the petitioner to file an appropriate application before the Court having competent jurisdiction i.e. Tribunal constituted under the provisions of the Administrative Tribunals Act, 1985.

We are sure that considering the urgency as also the issue raised in the present petition, the Tribunal shall hear and decide the matter expeditiously, and preferably within a period of six months from the date of filing of the application.

Learned counsel for the respondents state that the respondents shall not take more than two weeks to file their respective responses, for such response necessarily has to be on the basis of the response already filed by the parties.



Learned counsel for the respondents fairly states that the issue of delay and laches shall not be allowed to come in the way of deciding the application on merits.

The present petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

P.K.P./Amrendra

AFR/NAFR	
CAV DATE	
Uploading Date	28.02.2021
Transmission Date	

