

25.06.2024.  
Court No. 13  
Item No. 114  
sp

**W.P.A. No. 1766 of 2012**

**Nakul Adhikary  
Versus  
The State of West Bengal & Ors.**

Mr. Debashis Banerjee,  
Mr. Rakesh Jana

...for the petitioner.

1. The petitioner participated in the selection process conducted by the DPSC, Cooch Behar for the year 2009. Since there is no reservation for visually challenged people, the petitioner made a representation to the concerned authority. Subsequently, the respondent reserved 11 posts for visually challenged persons.

2. The petitioner was thereafter allowed to participate in the recruitment process and also called for Viva-Voce. He was not engaged in view of the fact that he was 100% blind. Only persons with partial vision were recruited. The petitioner had anticipated the same and his fears were confirmed.

3. In terms of the statutes of the Central Government, particularly, the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 since repealed and replaced by the Rights of Persons with Disabilities Act, 2016 even

100% visually challenged persons are entitled to employment. Special facilities are required to be made up by the State to permit such persons to function at their work place.

4. While the case of the petitioner may have become infructuous by efflux of time, this Court directs the Commissioner of School Education to ensure that in future recruitment processes, even persons with 100% visual disability are recruited subject to fulfilment of all other criteria in accordance with law.

5. The aforesaid would be in compliance with international treaties and conventions as more fully described and recognized in the statements of objects and purpose of the Rights of Persons with Disabilities Act, 2016.

6. Let a copy of this order be sent by the Registrar General to the Commissioner of School Education, West Bengal as also to the Secretary, School Education Department, Government of West Bengal for necessary action and compliance.

7. With the aforesaid observations, the instant writ petition shall stand disposed of.

8. There will be no order as to costs.

9. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

***(Rajasekhar Mantha, J.)***