



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8807 OF 2023

Bhaskar s/o Manjaram Rokade
Age 41 years, occ. Nil
R/o House No 14-5-207, Shahnagar
Masnatpur, Aurangabad 431001. .. Petitioner

versus

1. The Union of India
Ministry of Railways Recruitment Board
2. Recruitment Officer
Employment Department,
Railway Recruitment Board,
Secunderabad Division,
Secunderabad. .. Respondents

Mr. S. B. Chavan, Advocate for the Petitioner.
Mr. B. B. Kulkarni, Standing Counsel for Union of India.

**CORAM : RAVINDRA V. GHUGE AND
R. M. JOSHI, JJ.**

DATE : 3rd APRIL, 2024.

ORAL JUDGMENT : (Per Ravindra V, Ghuge, J.)

1. Rule. Rule made returnable forthwith and heard finally
by the consent of the parties.

2. The Petitioner is 100% blind. He belongs to a Scheduled
Caste category. He had made an application through the category of

Non Technical Popular Categories (NTPC) with the Railway Recruitment Board. The exact details of the examination are 'RRC-01/2019 for recruitment of various posts in Level -1'. CNE stands for Central Employment Notification No. 01/2019.

3. He filled in the form by taking assistance of another person (date not mentioned in the Writ Petition). A mistake has occurred only in his date of birth. His actual date of birth is 15th March, 1981. It was wrongly typed online as 15th March, 1982. Another mistake occurred in the online form. The year of passing HSC Examination (10 +2) was wrongly mentioned as 2003 when he has actually passed the said examination in the year 2000. His contention is that being 100% visually impaired, the assistance that he took from a person with sound vision, led to the two errors. Consequentially, his form was rejected and he was accordingly informed vide email dated 7th June, 2023.

4. In the above backdrop, he has put forth prayer clause B as under :-

B) By issuing appropriate writ, order or directions in the like nature to direct the respondent No. 2 to consider the application with original documents with real date of birth

as well as passing the 12th year in email dated 17th June, 2023.

5. We have heard the respective Advocates for the respective sides, perused the Petition paper book and affidavit-in-reply dated 16th August, 2023, which is not on record but a copy of the same is shown to us across the bar. We, therefore, permit him to file a copy of the same on record.

6. It is apparent that the online application form contain errors. The relevant record of the Petitioner indicates such errors. Nevertheless, being 100% visually impaired person, the Petitioner is making every effort to lead a normal life by seeking employment so as to sustain himself. An opportunity to correct such mistake needs to be given. Reliance is placed on the judgment delivered by Hon'ble Supreme Court in case of Vashist Narayan Kumar vs. State of Bihar and others, **2024 SCC OnLine SC 2**, wherein it was concluded in paragraph no. 27 as under :-

“27. For the reasons stated above, we set aside the judgment of the Division Bench of the Patna High court in LPA No. 1271 of 2019 dated 22.08.2022 and direct the respondent-State to treat the appellant as a candidate who has “passed” in the selection process held under the advertisement No. 1 of 2017 issued by the Central Selection Board (Constable Recruitment), Patna with the date of birth

as 18.12.1997. We further direct that if the appellant otherwise is not disqualified, the case of the appellant be considered and necessary appointment letter issued. We further direct that if the appellant is otherwise not disqualified, the case of the appellant be considered and necessary appointment letter issued. We further direct that, in the event of there being no vacancy, appointment letter will still have to be issued on the special facts of this case. We make the said direction, in exercise of powers under Article 142 of the Constitution of India. We further direct that the State will be at liberty in that event to adjust the vacancy in the next recruitment that they may resort to in the coming years. We notice from the written submissions of the State that 21,391 vacancies have been notified in Advertisement No. 1 of 2023 and it is stated that the procedure for selection is ongoing. We place the said statement on record. We direct compliance to be made of the aforesaid direction within a period of four weeks from today.

7. The learned Standing Counsel for Union of India submits that 8 posts were available for recruitment. Out of 8 posts, 6 posts were available with the Railway Recruitment Board, Secunderabad. The selected candidates to the said 6 posts have already joined. 2 posts are meant for the East-Coast railways. Mr. Kulkarni further adds that going by the merit secured by the Petitioner, there are several candidates who are higher in order of merit in the same reserved category and even if the Petitioner's case is to be considered for the 8 posts, he does not have even a slim chance.

8. In view of the above, we have very little scope to cause any indulgence in this matter. The directions issued by the Hon'ble Supreme Court in the case of Vashist Narayan Kumar (supra) were clearly in exercise of powers under Article 142 of the Constitution of India as the same has been set out in paragraph No. 27 of the judgment reproduced above. The best that we can observe in this order is that if any of the candidates who are selected do not join or leave after joining and if by any chance the serial number of the Petitioner in order of merit, from the same reserved category, can be considered, the respondent authority would permit the Petitioner to correct the mistake and consider his case for recruitment. We make it clear that these observations are in the peculiar facts of the case, more importantly, since the Petitioner is 100% visually impaired.

9. With the above observations, **this Writ Petition is disposed off.** Rule is discharged.

(R. M. JOSHI)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE

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