
(2001) 03 DEL CK 0121
In the Delhi High Court
Case No : Civil Writ No. 1548 of 2001

Anshul Kapoor

APPELLANT

Vs

Union of India and Another

RESPONDENT

Date of Decision : 20-03-2001

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2001) 92 DLT 902

Hon'ble Judges : S.K. Mahajan, J

Bench : Single Bench

Advocate : Kailash Gambhir, for the Appellant; Virender Pratap Singh, Subhra Parashar and R.P. Singh, for the Respondent

Judgement

S.K. Mahajan, J.—In response to an advertisement issued by respondent No. 2 for Special Recruitment of Stenographer Grade-D and Lower Division Clerks for visually handicapped persons, the petitioner made an application for being appointed as a Lower Division Clerk. Respondent No. 2 had earlier invited applications through public notices advertised in the Employment News of Special Recruitment of Stenographers Grade-D and Lower Division Clerks for visually handicapped persons and the written examination for the same was fixed for 22nd October, 2000. As per the advertisement, the written examination was to be held only in Braille. One of the candidates, who was partially blind, filed a civil writ petition in this Court praying to hold the said examination in bold prints as he was not trained in Braille script. The High Court vide judgment dated 19th October, 2000 allowed the request of the candidate question papers in bold prints. High Court also directed to give an opportunity to all those visually handicapped persons who might have not applied in response to all such advertisements due to requirement of examination in Braille only. It was in response to the second advertisement that the petitioner had applied for the post of Lower Division clerk.

2. It is alleged in the petition that although the petitioner is partially visually

handicapped person but due to his negligible vision he is not in a position to read the bold prints even using the magnifying glass. As per the medical certificate issued by a Government Hospital petitioner's vision is 1/60 and 2/60. With this vision it was impossible for the petitioner to read even the bold prints and he, Therefore, needed a scribe/writer to write his paper. Since there was a restriction imposed by respondent No. 2 of not providing the assistance of a scribe, petitioner approached the office of respondent No. 2 vide his letter dated 27th February, 2001 with a request to permit him to avail the services of a scribe/writer to be provided by respondent No. 2. Father of the petitioner also met the concerned officials in that regard but respondent No. 2 refused to agree to the request of the petitioner to provide a scribe. Being aggrieved by the refusal of respondent No. 2 to provide a scribe to the petitioner to write the examination, present petition was filed by the petitioner.

3. In response to show cause notice, the respondents have filed the counter affidavit today in Court. It is the submission of learned Counsel for the respondents that there is no provision in the rules to provide a scribe/writer to the petitioner for writing the examination. It is submitted that either the examinations are to be held in Braille or in terms of the judgment of this Court in Civil Writ No. 5919/2000, the question paper can be given in bold prints, however, since there is no provision for providing a scribe, it may not be possible for the respondents to provide a scribe to the petitioner to write the examination paper.

4. The question for consideration is whether the petitioner was suffering from 75% visual handicap, he was provided half an hour extra time by the Central Board of Secondary Education and the Examination Centre was also directed to provide a writer for which the petitioner was made to pay Rs. 500/-. The petitioner appeared in the graduation examination of the University of Delhi and even for this examination he was provided a scribe to write the examination. In terms of the medical certificate issued by Dr. Rajendra Prasad Centre for Ophthalmic Sciences, All India Institute of Medical Sciences, New Delhi, the vision of the petitioner is 1/60 and 2/60. The doctors of the Centre, Therefore, suggested that he needs aid. Since the petitioner is visually handicapped and is not in a position to write even with the help of magnifying glass, the stand of the respondents not to provide a scribe to him is totally unjustified and devoid of reality. It will be almost impossible for the petitioner with vision of 1/60 and 2/60 to write the paper himself and perhaps for this reason, the petitioner was provided scribe both by the Central Board of Secondary Education and by the University of Delhi to write his examination papers and, I, Therefore, see no reason as to why he should not be provided with a scribe for writing the paper of respondent No. 2 as well.

5. Accordingly, I issue a writ of mandamus directing the respondents to provide a scribe to the petitioner to write the examination paper on 25th March, 2001. In case, no scribe is provided to the petitioner on that date, the petitioner will be at

liberty to take a writer Along with him, however, the writer should not be academically more qualified than the petitioner. With these observations, the petition stands disposed of with no order as to costs.

Copy of the order be given dusty to learned Counsel for the parties.

6. Petition disposed of.