

Kerala High Court

T.Simon vs The Secretary on 10 August, 2010

IN THE HIGH COURT OF KERALA AT ERNAKULAM

WP(C).No. 4022 of 2010(C)

1. T.SIMON, AGED 45 YRS.,
... Petitioner

Vs

1. THE SECRETARY,
... Respondent

For Petitioner :SMT.SANDHYA RAJU

For Respondent :SRI.ALEXANDER THOMAS,SC,KPSC

The Hon'ble MR. Justice ANTONY DOMINIC

Dated :10/08/2010

O R D E R

ANTONY DOMINIC, J.

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W.P.(C) NO. 4022 OF 2010 (C)
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Dated this the 10th day of August, 2010

J U D G M E N T

On 17/7/2006, notification was issued by the PSC inviting applications for the post of Last Grade Servants in Kottayam District. Petitioner, a 100% blind person, submitted his application. In this writ petition, his grievance is that he has not been given the benefit of reservation available under the Persons with Disabilities (equal opportunities Protection of Rights and Full Participation) Act, 1995.

2. PSC has filed an affidavit, in which it is stated that as per the medical certificate produced by the petitioner, he is 100% blind. It is also stated that selection under the special scheme of reservation to 3% vacancies for physically handicapped can be done only to those posts which are identified as

suitable for each category of the handicapped persons as specified in GO (P) No. 20/98/P&ARD dated 11/7/98. It is also stated that as per Annexure II of the said GO, the post of last grade service is not a post identified as suitable for 'totally blind persons'.

3. Learned Standing counsel has referred me to the WPC No. 4022/10 Annexure to the Government Order referred to above, which shows that blind has been categorized as blind and partially blind. Among the category blind, posts in the last grade service are not included. If that be so, going by the Government notification, the post in question is not one identified as suitable for 100% blind persons like the petitioner. Necessarily therefore, petitioner cannot claim reservation to posts under last grade service.

Writ petition is dismissed.

ANTONY DOMINIC, JUDGE Rp