

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

Hon'ble Justice Soumitra Pal, Hon'ble Chairman.
& Hon'ble Dr. Subesh Kumar Das, Administrative Member.

CASE No. OA 860 of 2018.

SUBHANKAR MANNA & ORS -Vs- THE STATE OF W.B. & ORS.

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| <p>6 24.1.2019.</p> | <p>For the Applicants : Mr. A. Paul, Mr. I. Dey, Mr. A. Biswas, Advocates.</p> <p>For the State Respondent : Mr. G.P. Banerjee, Advocate.</p> <p>For the P.S.C.W.B. : Mr. A.L. Basu, Mr. S. Bhattacharya, Advocates.</p> <p>In this application the applicants, who are visually challenged, have prayed for a direction upon the respondents, particularly on the authorities of the State of West Bengal to consider their applications for being appointed as Sub-Inspectors in the Subordinate Food and Supplies Service, Grade -III under Food and Supplies Department, Government of West Bengal.</p> <p>Mr. A. Paul, learned advocate appearing on behalf of the applicants submits that since reservation for jobs has to be made for persons having blindness and low vision under section 34 sub section 1 of the Rights of Persons with Disabilities Act, 2016, appropriate order may be passed directing the respondents to allow them to appear in the selection process, which is scheduled to</p> | |

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| | <p>be held on 27th January, 2019 to be conducted by the Public Service Commission, West Bengal.</p> <p>Mr. A.L. Basu, learned advocate for the Commission submits on instruction that reservation in this regard could not be made for persons having blindness and low vision as the concerned department did not send any notice for reserving posts for persons having blindness and low vision. Referring to pages 54 of the Original application it is also submitted that the applicants must possess sound health and ability to undertake extensive tours in rural areas of West Bengal.</p> <p>Mr. G.P. Banerjee, learned advocate appearing on behalf of the State respondents submits that since the applicants have blindness and low vision and as appointments relate to the posts of Food Inspector, who are to inspect food stuff consumed by the citizens, which may not be possible by the applicants, no reservation has been made for applicants having blindness and low vision. In this regard, our attention has been drawn second proviso to sub section (1) of Section 34 of the Act.</p> <p>Heard Mr. Paul, Mr. Banerjee and Mr. Basu, learned advocates for the parties.</p> | |

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| Skg. | <p>The Food Inspector is to carry out inspection of food consumed by people which may not be possible by the applicants having blindness and low vision. Moreover, as seen from the advertisement appearing at page 54 to 56 of the application, as the applicants must have the ability to undertake extensive tours in rural areas of West Bengal, the respondent authorities have exempted this post for being reserved for persons having disabilities under 34(1)(a) of the Act. Hence no order can be passed on this application. However, we trust and hope that the authority shall make reservation in other branches of the department in accordance with the provisions of the 2016 Act.</p> <p>The application is disposed of.</p> <p>(Subesh Kumar Das) Member(A).</p> <p>(Soumitra Pal) Chairman.</p> | |

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