

PETITIONER:
NANDKUMAR NARAYANRAO GHODMARE

Vs.

RESPONDENT:
STATE OF MAHARASHTRA & ORS.

DATE OF JUDGMENT 30/10/1995

BENCH:
RAMASWAMY, K.
BENCH:
RAMASWAMY, K.
HANSARIA B.L. (J)

CITATION:
1995 SCC (6) 720 JT 1995 (8) 156
1995 SCALE (6) 198

ACT:

HEADNOTE:

JUDGMENT:

O R D E R

Leave granted.

Admittedly, the appellant is handicapped because of colour blindness. He was admittedly selected by the Public Service Commission but appointment could not be made on account of his handicap. When the matter came up on March 27, 1995, this Court while issuing notice passed order as follows:-

"Petitioner should also give the nature of the duties he has to perform and whether his colour blindness would interfere with the discharge of his duties. Respondents also would state in this behalf of their stand. If it is needed, they can also send the petitioner for medical examination by an expert Government Ophthalmologist or Board."

Despite the order, the Government took no action in that behalf. On the other hand, the appellant had filed on May 2, 1995 an affidavit detailing that as per the information he had secured, there were 35 posts in the Department and only five posts required perfect vision without colour blindness. Those five posts are mentioned in the affidavit. In other posts, colour blindness was not an impediment for him to be appointed.

Under these circumstances, we deem it just and proper that the Government should consider the case of the appellant to be appointed to any of the posts of Agricultural Officer of Class II Service other than the 5 posts mentioned by him in his affidavit. The appellant should enclose a copy of this affidavit filed before us to the Department concerned for considering his case. Appointment should be made within two months from the date of the receipt of this order.

The appeal is allowed. No costs.

JUDIS