



सत्यमेव जयते

न्यायालय मुख्य आयुक्त विकलांगजन
COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES
विकलांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities
सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment
भारत सरकार / Government of India

Case No. 7185/1013/2016

Dated: 22nd August, 17

In the matter of :

Shri Sabyasachi Mohapatra
S/o Shri Sunashir Mohapatra
At – Samojori, PO – Madhurganda
Khamara, PS – Marshagi, Kendrapara Odisha – 754141

R3030

... Complainant

Versus

Railway Recruitment Cell
(Through: the Chairman)
Central Railway, Mumbai
Chief Project Manager/Conversion's Office Building
Wadibunder, P.D. Mello Road, Mumbai - 400010

R3031

... Respondent

Dates of Hearing: 09.05.2017, 15.06.2017, 18.07.2017 & 16.08.2017

Present on 16.08.2017:

1. Shri Sabyasachi Mohapatra, complainant and Dr. P.K. Bhuyan, President, Odisha Association for the Blind on behalf of Complainant
2. Shri Ajay Raj, APO, RRC, Central Railway on behalf of Respondent

ORDER

The above named complainant Shri Sabyasachi Mohapatra, a person with 100% visual impairment filed a complaint through State Commissioner for Persons with Disabilities, Bhubaneswar under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act 1995, hereinafter referred to as the Act regarding recruitment in Group 'D' posts in Central Railway, Mumbai.

2. The complainant in his complaint submitted that he had applied for Group 'D' post in Central Railway and appeared for written test on 23.02.016. He further submitted that he secured 71.717 marks and on qualifying the said exam, he was called for verification of original documents on 03.08.2016. He appeared with all original documents for verification and as per direction, he again appeared on 23.08.2016 with the scribe but till date he has not received appointment letter.

3. The matter was taken up with the respondent vide this Court's letter dated 06.12.2016 under Section 59 of the contemporary Act.

4. And whereas APO, Railway Recruitment Cell vide letter dated 14.12.2016 has written a letter to complainant and marked copy to this office vide which they have informed to the complainant that his biometric (thumb impression) taken at the time of written test held on 23.02.2016 does not matches with biometric thumb impression taken at the time of document verification held on 03.08.2016.

5. And whereas complainant vide e-mail dated 02.02.2017 had submitted that Central Railway, Mumbai illegally rejected his selection under the plea of the mismatching of LTI which they had collected putting his thumb at the time of entrance test held on 23.02.2016. Further, they allowed him with the production of admit card which contain affixed photograph and LTI. He further submitted that now when all the formalities have been completed, The respondents are escaping their responsibility by maintaining that his LTI mismatched which they collected themselves at the time of document verification.

6. And whereas after considering the respondent's letter dated 14.12.2016 and complainant's e-mail dated 02.02.2017, it was decided to hold a personal hearing in the matter therefore, the case was listed on 09.05.2017. During the hearing on 09.05.2017, Dr. Prasanta Bhuyan, President, Orissa Association for the Blind appeared on behalf of the complainant. He submitted that the complainant applied for Group 'D' post in Central Railway and appeared for written test on 23.02.2016. He secured 71.717 marks and was called for original document verification on 03.08.2016. He appeared with all original documents for verification and as per direction, he again appeared on 23.08.2016 with the scribe. His selection to the post was rejected because his biometric (thumb impression) taken at the time of written test held on 23.02.2016 did not match with biometric thumb impression taken at the time of document verification held on 03.08.2016. The representative on behalf of the respondent submitted that the biometric (thumb impression) of the complainant taken at the time of written test held on 23.02.2016 did not match with biometric thumb impression taken at the time of document verification held on 03.08.2016 and as such, the Competent Authority cancelled his candidature and he was not called for further recruitment process. The Court after hearing both the parties directed the respondent to check TV footage and submit report and the case was adjourned to 15.06.2017.

7. And whereas on the day of hearing i.e. 15.06.2017, representative of the respondent submitted that RRC, Bhubneshwar has been requested vide letter dated 07.06.2017 to provide the video recording which is still awaited. The case further adjourned to 18.07.2017. On 18.07.2017, representative of the respondent submitted the CCTV footage of written examination held on 23.02.2016 at Cuttack, Orissa as received from Railway Recruitment Cell, East Coast Railway, Bhubaneswar. The case was then adjourned to 16.08.2017.

8. During the hearing on 16.08.2017, CCTV footage was seen in the presence of both the parties i.e. complainant and the respondent and it was found that complainant had attended the written examination. This fact established that there is no valid ground for raising any contention by the respondent on aspect of ascertaining the appearance by the complainant in the said examination, as the same is proved beyond doubt. Considering the above, the respondent is directed to initiate recruitment process in respect of the complainant and issue appointment letter to him and intimate the compliance of the completion of recruitment process and appointment in respect of the complainant to this court within 60 days from the date of receipt of this order.

9. The case is accordingly disposed off.



(Dr. Kamlesh Kumar Pandey)
Chief Commissioner
for Persons with Disabilities