

4 blind UPSC candidates fight for justice

Five Years On, High Scorers Yet To Get Appointments

Kim Arora | TNN

New Delhi: In 2008, four visually-impaired UPSC hopefuls — Shiwam Kumar, Pankaj Srivastava, Abhishek Kumar and Rahul Mittal — got more marks than general category students who cleared the civil services examinations. Five years later, they are yet to receive their letters of appointment. And now, their fate seems to depend on a Delhi High Court hearing scheduled for September 24. The wait is almost endless.

For the quartet, it has been a soul-crushing battle against an obdurate bureaucracy. They had all discovered their scores to be above those selected and appointed at various posts in the services. Yet, their names were not recommended. Between the four of

them, they have filed two applications and one contempt petition against their non-appointment in the Central Administrative Tribunal. The tribunal ruled in their favour each time. There is a High Court stay order on one CAT order of May 2012, directing the authorities to appoint the four candidates, which is to be heard on September 24. "The contempt petition was disposed of by the Tribunal (in July 2013), giving the government time to reconsider. But nothing is going to happen until the High Court gives its decision," says C Harishankar, counsel for Srivastava.

The UPSC remained unavailable for comment despite several phone calls and e-mails to their office. However, a May 2012 CAT judgment on the matter



Shiwam Kumar, from Bihar's Motihari district, currently employed as a lower division clerk in a Rohini court, feels that it is the visually-impaired who are discriminated against the most

makes a reference to the UPSC argument against non-recommendation of candidates for service. The judgment says that the counsel for UPSC had argued that "providing a scribe and allowing extra time is a relaxed standard, and if a visually-impaired person has availed the said relaxed standard, then he will not be entitled to be selected on his own merit." The judgment further reads that the bench could not be satisfied by the counsel "as to how such a person will be able to attempt the examination if he is not provided this facility."

Delhi's Shiwam Kumar, who lost his eyesight as a teenager after a head injury, has been at the forefront of the quartet's struggle. Currently employed as a lower division clerk in a Rohini court, his daily work requires a fair amount of typing. He uses a software that guides him through the computer through voice prompts. The 34-year old from Bihar's Motihari district feels that it is the visually-impaired who are discriminated against the most. "Those with hearing and orthopaedic impairments, covered under the reservation, have not faced

such trouble. It is only the visually-impaired," says Kumar.

Pankaj Srivastava, who has also appealed against his non-recommendation, concurs.

This isn't the first time that the UPSC has been holding back appointments for the visually impaired. In the batch of 2006, while 18 candidates were selected under the Disability Act of 1995, only one of them was visually impaired. In 2010, a visually impaired candidate, Ravi Prakash Gupta, could secure an appointment only after a Supreme Court intervention that came three years after he cleared the exams. In February last year, seven visually impaired candidates who had cleared their exams got their appointment letters only after the Prime Minister intervened.

In Jharkhand, senior schoolteacher Abhishek Kumar too awaits a resolution in the matter. The 32-

year-old financially supports his family of four along with his electrician brother. He has cleared the coveted exam twice.

For the last two and a half years, Rahul Mittal from Haryana has been working as an excise and taxation officer in the Haryana Civil Services.

"At the time of the personality test, the interviewers appeared very normal and there was no trace of discrimination. It was only when the time came for appointments that they wouldn't recommend us," says Mittal, 30.

Given a chance, the four are confident of delivering their duties.

"We have the best technologies available today. Even hard copies of text can be converted into an audio file. As for visits and inspections, one would obviously have a staff for assistance," says Shiwam Kumar, who has developed an interest in astrology.