

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Order: May 31, 2018

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W.P.(C) 5030/2018 & CM No. 19388/2018

ROHAN GUPTAPetitioner

Through: Ms. Sadiya Rohma Khan,
Advocate

Versus

STATE BANK OF INDIA AND ORS.Respondents

Through: Mr. Atul Kumar Jha and Mr. S L
Gupta, Advocate for R-1
Mr. Manik Dogra, Ms. Mallika
Hiremath and Mr. Mohit
Bhardwaj, Advocates for R-2 & 3

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

CM No. 19386/2018

Heard on interim relief.

Learned counsel for petitioner draws the attention of this Court to the Corrigendum (*Annexure R-26 with the rejoinder*) issued by Ministry of Railways. It is pointed out that specific learning disability is included in the category of persons with disability (hereinafter to be referred to as PwD).

Learned counsel for petitioner has drawn the attention of this Court to Staff Selection Commission's Notice (*Annexure R-22 to the rejoinder*) which includes specific learning disability in the category of PwD.

It is submitted by petitioner's counsel that although the stand of respondent is that post identified to be reserved for persons with disability in Group A (*Annexure-C to the counter affidavit by respondent-Bank*) is under consideration of respondent nos. 2 and 3, but it will take time and would cause prejudice to petitioner as the examination in question is to take place on 1st, 7th and 8th July, 2018.

On the contrary, learned counsel for respondent-Bank submits that Staff Selection Commission in its Notice (*Annexure R-22*) has clarified that the selection of candidates with specific learning disability will be subject to identification of the post suitable for these categories and would be also subject to reporting of vacancies by the intending departments.

It is submitted by learned counsel for respondent-Bank that unless the disability is identified in Annexure C to the counter affidavit by the Bank, by respondent nos. 2 and 3, interim orders ought not to be granted.

In rebuttal, petitioner's counsel points out that petitioner has already received interview calls from nine Indian Institutes of Management (IIMs) and petitioner has secured 62.67% in Common Admission Test Examination, 2017 for business administration.

Upon hearing and on perusal of the Advertisement in question, the Corrigendum of the Railways and the Notice (*Annexure R-22 to the rejoinder*) issued by the Staff Selection Commission, I find that petitioner is suffering from *dyslexia* which is a learning disability and so, purely as an interim measure, it is deemed appropriate to direct respondent-Bank to issue offline call letter in the category of PwD to petitioner for online

preliminary examination on or before 18th June, 2018 and to permit petitioner to undertake online preliminary examination to be held on 1st, 7th and 8th July, 2018.

With above said directions, the application is accordingly disposed of.

Dasti.

WP (C) No. 5030/2018

Petitioner's counsel seeks six weeks time to file the rejoinder to the counter affidavit filed by respondent nos. 2 and 3.

List on 23rd July, 2018.

**(SUNIL GAUR)
JUDGE**

MAY 31, 2018

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