

Dhaka, Apr 25 (UNB)- The High Court on Sunday ruled out the argument by the Attorney General that vision-handicapped persons are not eligible for seeking jobs in the judiciary or any competitive civil service, taking cognizance of a writ petition as mandamus in nature.

An HC division bench comprising Justice M Momtazuddin Ahmed and Justice Naima Haider upon two writ petitions passed the orders, asking the respondents, including the government, to submit a report within 30 days as to what initiatives have been taken so far to accommodate vision-handicapped persons in public service as per the Disabled Welfare Act 2001.

The petitioners prayed for issuing a rule upon the respondents to explain why the provisions of the Bangladesh Civil Service (Age, Qualification and Examinations for Direct Recruitment) Rules 1982 preventing the candidates with disabilities from appearing in the BCS and BJS examinations should not be declared unconstitutional.

In their petition they said that those rules are discriminatory and inconsistent with the fundamental rights of equality before law, equality of opportunity in public employment and freedom of profession and occupation guaranteed under the Constitution.

Moving the petition, the counsel for the writ petitioners, submitted that no step has yet been taken for the disabled persons in getting public jobs by the government officials despite the announcement time and again by the Prime Minister Sheikh Hasina to protect quotas in service for the disabled persons.

Opposing the writ petition, Attorney General Mahbubey Alam told the court that although disabled persons have succeeded in intellectual pursuits and cultural activities worldwide, vision-handicapped persons are not eligible for judicial service or competitive civil service.

Interrupting the chief law officer of the government, a counsel for the writ petitioner told the court that vision handicapped persons in different countries of the world have been discharging judicial duties.

In support of his contention the lawyer submitted before the court a list of vision-handicapped judges, including from Tamil Nadu and Chennai in India.

The lawyer also mentioned the name of advocate Shadhan Gupta who was made advocate general in the Kolkata High Court during 1986-87.

Four human rights organisations -- Ain O Salish Kendra (ASK), Bangladesh Legal Aid and Services Trust (BLAST), Action on Disability and Development (ADD) and National Council of Disabled Women (NCDW) -- and Swapan Chowkidar, a lawyer, and Ridwanul Hoque, a teacher of the law faculty of Dhaka University, jointly filed the writ petitions.

Emerging from the court, vision handicapped advocate Swapan Chowkidar, one of the writ petitioners, told reporters that he was happy with the court's orders.

“I hope that the disabled persons will get justice in seeking competitive service through public examinations,” he said.

The secretaries to the establishment, law, social welfare, and health ministries, Bangladesh Public Service Commission (BPSC) and its chairman and secretary and the controller of examinations (Cadre), the judicial service commission and its chairman and secretary, the director general of the directorate of health, and the national disability welfare coordination committee and its chairman and secretary have been made respondents in the case.

Advocates Khandker Shahriar Shakir, Kazi Zahed Iqbal, Taufiqul Islam and Nusrat Jahan appeared for the writ petitioners.

Reported by: [UNBconnect](#)

Reported on: April 25, 2010 20:55 PM