



सत्यमेव जयते

3

## न्यायालय मुख्य आयुक्त दिव्यांगजन

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice & Empowerment

भारत सरकार/Government of India

Case No. 13050/1011/2022

Dated: 11.01.2022

### NOTICE U/S 75 & 77 OF RPwD Act, 2016

To

The Medical Director,  
Indira Gandhi Hospital,  
Office of the Medical Director,  
Sector - 9, Dwarka, New Delhi - 110077

— R3063

**Sub: Notice to file comments in a Suo-motu matter violation of Section 34 of RPwD Act, 2016 [Advertisement Notice dated 31.12.2021]**

Find enclosed a copy of the Advertisement Notice dated 31.12.2021 on the above mentioned subject.

- Whereas Indira Gandhi Hospital, Office of the Medical Director, Sector 09 Dwarka (hereinafter referred to as 'Respondent') issued Notice dated 31.12.2021 notifying 294 vacancies for the post of Nursing Officers. As per notice, out of total 294 vacancies, 72 are reserved for OBC category, 40 are reserved for SC category, 20 are reserved for ST category and 29 are reserved for EWS category.
- Notice also mentions that age relaxation shall be given to SC, ST, OBC and PwD categories. However, no vacancy is reserved for PwD category.
- Section 34 of Rights of Persons with Disabilities Act, 2016 provides that every appropriate government shall reserve at least 4% vacancies for Persons with Disabilities. Intention behind the provision is to provide adequate representation to Divyangjan in government establishments.
- Further, Article 16 provides that there shall be equality of opportunity for all citizens in the matter of employment and appointment to any office under the state.
- Section 3(1) of Rights of Persons with Disabilities Act, 2016 provides that every Divyangjan has right to live with dignity and respect for her/his integrity, further, appropriate government is bound by the duty to ensure that this right is effectively enjoyed by every Divyangjan. Needless to say that similar right is guaranteed under Article 21 of Indian Constitution.

(Contd...Page-2)

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5<sup>th</sup> Floor, N.I.S.D. Bhawan, G-2, Sector-10, New Delhi-110075; Tel.: (011) 20892364

Email: ccpd@nic.in; Website: www.ccd disabilities.nic.in

(कृपया भविष्य में पत्राचार के लिए उपरोक्त फाईल/केस संख्या अवश्य लिखें)

(Please quote the above file/case number in future correspondence)

- Further, Section 75 of Rights of Persons with Disabilities Act, 2016 provides that Chief Commissioner shall review the safeguards provided by or under this Act or any other law for the time being in force for the protection of rights of persons with disabilities and recommend measures for their effective implementation. Similar mandate is provided under Section 80 of Rights of Persons with Disabilities Act, 2016 vis a vis State Commissioner.
- Prima facie this Court is inclined to take the view that Respondent has not complied with statutory mandate of reserving 4% vacancies for divyangjan and hence the Respondent has deprived Divyangjan of their rights.
- This Court attracts kind attention of the Respondent to the issue of reserving vacancies for divyangjan and examine the issue as per Rights of Persons with Disabilities Act, 2016 and related guidelines and take necessary action within 10 days of this Order. Respondent is also directed to inform this Court with an endorsement to State Commissioner for Persons with Disabilities, Delhi.

Encl: As above

— R31064



(Dr. Janak Raj)  
Dy. Chief Commissioner

O/C

Copy to:

State Commissioner for Persons with Disabilities,  
Government of NCT of Delhi,  
25-D, Mata Sundari Road, Near Guru Nanak Eye  
Centre, New Delhi – 110 002  
E-Mail: comdis.delhi@nic.in

: For taking further follow-up and  
necessary action in the matter.