



सत्यमेव जयते

न्यायालय मुख्यायुक्त दवियांगजन
COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)
दवियांगजन सशक्तकरण वभिग (दवियांगजन) / Department of Empowerment of Persons with Disabilities (Divyangjan)
सामाजिक न्याय और अधकिरति मंत्रालय / Ministry of Social Justice and Empowerment
भारत सरकार / Government of India

Case No. 13755/1103/2023/186049

Dated: 30/06/2024

Case No. 13755/1103/2023/186049

In the matter of—

Shri Mukesh Verma,
51, Kaveri Vihar-2,
Shamshabad Road,
Agra – 202004 (UP)
Email: vermamukesh128@gmail.com
Mobile: 9927427480

... Complainant

Versus

The Chief Executive Officer & Chairman,
Railway Board,
Ministry of Railways,
Room No.256-A, Rail Bhawan,
Raisina Road, New Delhi-110001
Email: crb@rb.railnet.gov.in

... Respondent

Hearing (I):

A hearing was conducted on **25.06.2024** in hybrid mode (online/offline) through video conferencing. The following parties/representatives were present during the hearing:

Sl. No.	Name of the parties/ Representatives	Mode of Presence
From Complainant:		
	Shri Mukesh Verma, Complainant	Online
From Respondent:		
1.	Shri Sanjay Manocha, Director (Marketing), Min. of Railways	Online
2.	Shri Sanjay Kumar Mishra Assistant Traffic Manager, Railway Board	Online



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5.2 During the hearing, the Complainant submitted the following:

(i) The position of the SLRD/SRD coach in a train cannot be ascertained as no proper announcement is made before the arrival of the train as to whether the train is running with one SLRD/SRD coach or two. Sometimes the divyang passengers have to run from the front to the rear side of the train to find the SLRD/SRD coach and in the pursuit, they sometimes miss the train too.

(iii) The SLRD/SRD coach is always packed with non-divyang passengers and it becomes challenging for a divyang passenger to board into and out of the SLRD/SRD coach, sometimes the divyang passengers have to miss the train only due to overcrowded SLRD/SRD coach mostly with non-divyang passengers.

(iv) GRPF personnel do not help or come forward for the divyang passengers, as some of them are complicit in allowing non-divyang passengers to travel in the Divyang Coach illegally.

5.3 The Assistant Traffic Manager, Railway Board, one of the representatives of the Respondent reiterated the written reply that at least one SLRD/SRD coach meant for divyang passengers in all Mail/Express trains is provided at the rear end and/or at the front end of the train. He added that the SLRD/SRD coach has been designed with the compartment of the guard which is always marshalled at the rear end of the train, and the guard is in charge of the whole train and is responsible for the safety of the train. In case of any mishappening, the guard can apply a break to stop the train. Therefore, it is not possible to marshal the SLRD/SRD coach in the middle of a train, it can be marshaled either at the front of the train or the rear end of the train in case of having one SLRD/SRD coach in a train; and in case of two SLRD/SRD coaches, it can be marshaled at both rear end and the front of the train.

5.4 After hearing the parties, the Court observed that though the Respondent had notified their accessibility standards in November 2023 detailing various measures such as announcement and display of the coach



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position and using technological innovations for ease in boarding and alighting the coach to all passengers including the passengers with disabilities, these measures have not yet been implemented on the ground. The Court directed the Respondent for action as under:

- (i) To ensure the presence of the GRPF Chief in the next hearing;
- (ii) To furnish the information/documents about the inspections of SLRD/SRD coaches by the GRPF personnel in the last six months, and the details of the penalty/fine was imposed;
- (iii) To ensure that a special helpline number for divyang passengers is created in case of lodging complaint regarding inaccessibility/ boarding/deboarding of SLRD/SRD coaches, and also ensure that the helpline number is so pasted/written boldly outside all the coaches so that it can be viewed easily by the divyang passengers;
- (iv) To ensure that only divyang passengers are traveling in SLRD/SRD coaches, and non-divyang passengers are not getting boarded into the SLRD/SRD coaches by RPF personnel;
- (iv) To ensure that proper announcement regarding the number and position of the SLRD/SRD coaches is made before arrival of the train at the railway stations; and
- (v) To furnish to this Court a copy of the guidelines/instructions issued by the Indian Railway to GRPF with regard to travel in SLRD/SRD coaches by divyang passengers.

5.5 The information/documents required should be furnished within 30 days from the date of issue of this Record of Proceedings.

5.6. This is issued with the approval of the Chief Commissioner for Persons with Disabilities.



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Yours faithfully,

(Praveen Prakash Ambashta)
Dy. Chief Commissioner



न्यायालय मुख्य आयुक्त दिव्यांगजन

COURT OF THE CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

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5वाँ तल, एन.आई.एस.डी. भवन, जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष : (011) 20892364

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

Email: ccpd@nic.in; Website: www.ccdisabilities.nic.in

Case No.13802/1024/2023

In the matter of—

Ms. Charu Singh,
UG-1, Plot No. 63, Block- B
Ramprasth Colony,
Ghaziabad,
Uttar Pradesh-201011
Email: authorcharusingh@gmail.com
Phone: 9811434949 / 7827695800

...Complainant

Versus

Assistant General Manager,
State Bank of India
RASMEC,
Karkardooma, Aggarwal Fun City Mall
First Floor, CBD, Shahdara, Delhi- 110032
Email: sbi.15811@sbi.co.in
Tel: 011-22380666

...Respondent

Hearing: A hearing in hybrid mode (Online/Offline) was conducted on 30.05.2024. The following parties/representatives were present during the hearing:

Sl.No.	Name of the parties / Representatives	For Complainant/ Respondent	Mode of Attendance
1.	Ms. Charu Singh	Complainant	Online
2.	Shri Ajay Kumar, AGM	For Respondent	Online

RECORD OF PROCEEDINGS

1. At the outset, the Chief Commissioner for Persons with Disabilities asked the Complainant about the main issue of her complaint.

2. The Complainant submitted that she joined the service as a probationary Officer in 2011 under the PwD category. Then, due to conditions faced in the service, she resigned in 2014 and her resignation was not accepted because in the resignation she mentioned the service conditions as the main reason. She did not receive any official relieving letter but got a message from the Respondent that her resignation could not be accepted. She was supposed to return her 3-month salary to the Respondent. In 2016, she cleared all the dues and she got a letter that the Respondent had debited the amount that was asked from her. Last year she got an amount of ₹ 90,000/- approx., which she thought was a much lesser amount than what she expected. She worked for three years and around ₹ 2,000/- was debited from her salary towards the PF Employer-Employee account. She asked for the PF statement verbally on the phone and spoke to the then AGM but she was told that she would not be able to get the bank's contribution as she left the bank. She insisted that the Bank's contribution was a part of her CTC.

3. The Court asked the Respondent about the name of the AGM whom the Complainant approached, the total amount contributed by her towards Provident Fund during her service period, and the total amount contributed by the Respondent as Employer's part. The Respondent submitted that the then AGM was Shri Bajrangi Yadav. The Complainant is asking for the Bank's part and the Employee's contribution was paid to her in the last year. As per the Bank's rule, if any employee leaves service before the completion of 5 years, he/she is not entitled to get the bank's contribution towards the provident fund. The Bank paid the employee contribution with interest amounting to ₹1,03,962/- on 08.05.2023. No TDS has been deducted from the Complainant.

4. The Court asked the Complainant to brief about the problems she faced during the service. The Complainant in response submitted that she was deeply stressed and had to resign as it became impossible for her to survive. She was being humiliated and asked the reason for joining the Bank. She was transferred to the SME branch and there also she was mentally harassed. She further stated that in the SME branch, there was more handwritten work as compared to other branches. The Court further asked her whether given the opportunity for reinstatement, she would be willing to re-join her service. She expressed her willingness to rejoin if her disability is factored in while assigning her jobs.

5. The Chief Commissioner for Persons with Disabilities observed that If an employee with disability submits that he/she is not getting a conducive environment at the workplace and due to this he/she is resigning, then the senior management must ask him/her about the grievances and must try to resolve the grievances. As per the submission of the parties, the officers of the Respondent did not provide the PF statement for 1 year, behaved rudely with the Complainant, and forcefully deducted 3 months salary while accepting the resignation from an employee with a disability. As per the Complainant she was not been asked about the reason for her resignation. If the PF

statement has been provided to her then, in case of any anomaly, she might have approached the Court or the PF department to clarify whether the Bank's contribution can be taken back or not from the employee. The Respondent replied that no request has been received from the Complainant regarding the PF statement. There is a process of resignation in the Bank. The resignation is being forwarded to the higher authorities for approval and after that only, the cessation of service is being done. This process has been followed with regard to the resignation of the Complainant.

6. After hearing both parties, the Court observed that an inquiry into the conduct of the then AGM, Mr. Bajrangi Yadav may be required in this case. However, considering that the officer has now retired, it directed the Respondent to advise him to submit his statement in writing to this Court within 7 days of this Record of Proceedings sharing his mobile number, email ID, and current address. The Respondent is further directed to share a copy of the Complainant's PF statement, TDS certificate if any, a copy of the Rule requiring a minimum 5 years of service to avail PF benefit as quoted during the hearing, the statement of Mr. Bajrangi Yadav, and the Complainant's Resignation letter along with complete noting on that. The Respondent is also directed to submit within 7 days why the Complainant was transferred to an SME branch, who decided to transfer her, who was the then AGM in that SME branch where she was given posting, and why it takes 9 years to pay her PF balance after resignation.

7. This is issued with approval of the Chief Commissioner for Persons with Disabilities.

Signed by

Praveen Prakash Ambashta

Date: 10-06-2024 16:56:29

(P. P. Ambashta)
Dy. Chief Commissioner



न्यायालय मुख्य आयुक्त दिव्यांगजन

COURT OF THE 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

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

Email: ccpd@nic.in; Website: www.ccdisabilities.nic.in

Case No. 13989/1021/2023

In the matter of —

Shri Nitesh Gupta
Quarter No – T8/E
Railway Colony Hapur,
Uttar Pradesh – 245101
Email: niteshgupta0909@gmail.com

...Complainant

Versus

1. General Manager
Northern Railway
Baroda House,
New Delhi – 110001
Email: gm@nr.railnet.gov.in

...Respondent No. 1

2. Divisional Railway Manager
Northern Railway
DRM Office Moradabad
Uttar Pradesh – 244001
Email: drm@railnet.gov.in

...Respondent No. 2

Hearing:

A hearing in hybrid mode (Online/Offline) was conducted on 30.05.2024.

The following parties/representatives were present during the hearing:

Sl.No.	Name of the parties / Representatives	For Complainant/ Respondent	Mode of Attendance
1.	Shri Nitesh Gupta	Complainant	Online
2.	Shri Ravi Vikram Singh, Sr. DPO	For Respondent No.2	Online

RECORD OF PROCEEDINGS

1. At the outset, the Chief Commissioner for Persons with Disabilities asked the Respondent about their response in the matter.
2. The Respondent No. 2 submitted that the matter is regarding 02 vacancies which were notified and for which the Complainant is claiming that he was not called for these vacancies. The vacancies as per railway classification were reserved for the B1 medical category but the Complainant is 100% visually impaired and as per policy there is no vacancy identified for him.
3. The Court asked the Respondent whether the provisions of the RPwD Act, 2016, and the rules notified thereunder are being followed by them. As per Section 20 (3) of the Act, no promotion shall be denied to a person merely on the grounds of disability. Further, Note 4 of the Gist of Recommendations of the Expert Committee as contained in the DEPwD Notification No. No. 38-16/2020-DD-III, dated 04th January 2021 provides that if a post is identified in the feeder grade, all the posts in the promotional grade should also stand identified.
4. Respondent No. 2 submitted that there are 2 issues, firstly, in the year 2019, with the collaboration of the Ministry of Social Justice and Empowerment, the Railway Board notified a list of vacancies where PwDs could be taken and it was an extensive list which includes more than 250 odd categories and the complainant's claim with 100% visual impairment did not fit in that list. Secondly, in the normal AVC of the Helper category, he is unable to get a promotion beyond it while MACP and other benefits are being given. In this case, single feeder cadre situation is not there but multiple cadre feeding is being done for the category which is being claimed by the Complainant.
5. On a query by this Court, the Complainant replied that in the Danapur Region, the posts of Mason and Fitter are identified for the persons with visual impairment vide gazette notification dated 04.01.2021. In response to this, the Respondent submitted that in the said notification, there may be some local policy mentioned, which will be examined. The Respondent assured the Court that the exercise would be conducted again and reasonable accommodation would be provided to the Complainant.

6. After hearing both the parties, the Court observed that the Respondent did not follow the provisions laid in Section 20(3) of the RPwD Act, 2016. The Court directed the Respondent to share the list of the 250 vacancies of 2019 and guidelines of the 2019 exercise by evening on 30.05.2024. The gazette notification issued by the Danapur Region is to be examined whether it is allowed in the Danapur Region or not.

7. This is issued with the approval of the Chief Commissioner for Persons with Disabilities.

Signed by
Praveen Prakash Ambashta
Date: 10-06-2024 17:47:22

(P. P. Ambashta)
Dy. Chief Commissioner



न्यायालय मुख्य आयुक्त दिव्यांगजन

COURT OF THE 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

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5th Floor, N.I.S.D. Bhawan, G-2, Sector-10, Dwarka, New Delhi-110075; Tel.:

(011) 20892364

Email: ccpd@nic.in; Website: www.ccdisabilities.nic.in

Case No: 13999/1022/2023

In the matter of—

Shri Rakesh Kumar
 GREF Service No. 180470L, T/Mech
 HQ – Directorate General Border Roads,
 Seema Sadak Bhawan,
 Ring Road, Delhi Cantt,
 New Delhi – 110010
 Mobile No. 9928472816
 Email ID :rakeshkumar180470@gmail.com ... Complainant

Versus

The Director General,
 Directorate General Border Roads,
 Seema Sadak Bhawan,
 Ring Road, Delhi Cantt,
 New Delhi - 110010
 Email ID –bro-legal@gov.in
 Phone No.- 011-25686820, 22, 23 ... Respondent

Hearing (2): A hearing was conducted on 30.05.2024 in hybrid mode (Online/Offline). The following parties/representatives were present during the hearing:

Sl.No.	Name of the parties / Representatives	For Complainant/ Respondent	Mode of Attendance
1.	Shri Rakesh Kumar	Complainant	Online
2.	Shri Bijoy Chakraborty, Office Superintendent	For Respondent	Online

RECORD OF PROCEEDINGS

1. At the outset, the Chief Commissioner for Persons with Disabilities expressed his displeasure over the fact that no one appeared on behalf of the Respondent in the last hearing. The Court further asked the Respondent about the present status of the case.
2. The representative of the Respondent explained that they could not join the last hearing due to some technical glitch. He replied that the Complainant has been posted to Guwahati, but he has not joined there and is still in New Delhi. The Respondent has formulated a policy based on the guidelines of the DoPT regarding welfare of the employees with disabilities. The Departmental guidelines are formulated, where the employees with disabilities are posted to those locations that are well connected and medical/education facilities are available there. There are some locations that have been identified for the posting of employees with disabilities such as Delhi, Jammu, Jodhpur, Rishikesh, etc. The Complainant is insistent about staying at his present location in Delhi only. For Delhi, the prescribed tenure is 2 years but he has already completed 3 years. He is repeatedly asking for an extension at the present place only. The department is ready to post him at any other place where medical and education facilities are available but the Complainant is not adamant.
3. The Respondent also submitted that the department has to accommodate similar requests from a large number of employees on the grounds *inter alia* of Low Medical Category, Compassion, and Last Leg Posting, who are mainly posted in northern and northeastern high-altitude and remote stations.
4. The Court queried the Respondent about the joining date of the Complainant, his actual disability, his previous posting, and the Respondent's stand in regard to the Guwahati posting profile. In response, the Respondent replied that the initial date of appointment of the Complainant is 02.02.1999. He joined HQ, DGBR, Delhi on 21.06.2021. Prior to this, he was posted in Jammu where he served for 4 years. He is a person with 60% locomotor disability. He lost his leg in an accident. After amputation, he is able to walk. Guwahati is considered to be an attractive posting due to its good flight and rail connectivity. Most of the units of the Organisation are located in a remote and high-altitude area like J&K, Leh, Ladakh, and Arunachal Pradesh. As compared to these locations, Guwahati is a much better posting.

5. The Court asked the Complainant to brief about his issues. The Complainant replied that he is posted in HQ DGBR, Narayana, and has requested the Respondent for an extension of tenure at Delhi. He got the posting near his hometown for the first time during his service. The Court advised the Complainant that considering the nature of the work allocated to the Respondent establishment, and the places from where it conducts its operations, a posting at Guwahati is not a hard posting. The Complainant got a chance to stay in Delhi for three years, other employees also deserve such an opportunity.

6. The Court asked the Respondent to confirm whether there has been any exception to the rule of a maximum tenure of 3 years. The Respondent submitted that the stipulated tenure is of 2 years only which is strictly maintained. However, if a request is received from an employee with critical diseases such as cancer, etc. who is undergoing treatment at Delhi, then an extension of a further period of 02 years can be granted.

7. After hearing both parties, the Court directed the Respondent to share the details of employees who have been posted in Delhi for more than 4 years furnishing reasons for the same within 3 days of the receipt of this record of proceedings.

8. This is issued with the approval of the Chief Commissioner for Persons with Disabilities.

**Signed by Praveen Prakash
Ambashta**

Date: 12-06-2024 22:50:16

(P. P. Ambashta)
Dy. Chief Commissioner



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COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)
दवियांगजन सशक्तकरण वभिग (दवियांगजन) / Department of Empowerment of Persons with Disabilities (Divyangjan)
सामाजकि न्याय और अधकिरति मंत्रालय / Ministry of Social Justice and Empowerment
भारत सरकार / Government of India

Case No. 14263/1011/2023

Dated: 12/06/2024

Case No. 14263/1011/2023

In the matter of —

Shri Nischal Kumar,
R/o Nagar Untari,
PO + PS: Nagar Untari,
District: Jharkhand 822121
Email: nischalkumar022@gmail.com

... Complainant

Versus

(1) The Secretary,

Railway Board,
Ministry of Railway,
Rail Bhawan, Rafi Marg,
New Delhi- 110001
Email: secyrb@rb.railnet.gov.in

... Respondent No.1

(2) The Chairman,

Railway Recruitment Cell,
South Eastern Railway,
Garden Reach, SER HQ,
Kolkata 700043
Email: cmrrcrailnet@gmail.com

... Respondent No.2

Hearing:

A hearing was conducted on **30.05.2024 (Online/Offline)**.
The following parties/representatives were present during the hearing:



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दवियांगजन सशक्तकरण वभाग (दवियांगजन) / Department of Empowerment of Persons with Disabilities (Divyangjan)

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

भारत सरकार / Government of India

Case No. 14263/1011/2023

Dated: 12/06/2024

Sl. No.	Name of the parties/ Representatives
From Complainant:	
1.	Shri Nischal Kumar, Complainant
From Respondent No.1:	
1.	Shri Kaushik Bhattacharya, Chairman/RRC/SER
From Respondent No.2:	
1.	Ms Lalita, Dy. Director, Railway Board
2.	Shri Vivek Pandey, Section Officer, Railway Board

RECORD OF PROCEEDINGS

During the hearing, the Complainant reiterated his grievance that in the advertisement CEN No.RRC-01/2019 published by the Railway Recruitment Cell, South Eastern Railway, Kolkata, no reservation of post has been mentioned for the persons with Both Leg (BL) disabilities whereas in the year 2015, for recruitment of Group 'D' posts under CEN No. RRC-01/2015, the reservation was provided to persons with BL disability on suitability. Since there was no option in the application form for persons with Both Legs disabilities, he was compelled to fill up the form as a person with One Leg disability.

2. The representatives appearing on behalf of Respondent No.1 (Railway Board) submitted as per the instructions/guidelines issued by the Railway Board to all its RRC/RRB, no post has been identified as suitable for persons with BL disabilities. Keeping in view of the safety-related issues persons who have BL disabilities, have not been provided reservations in jobs. As regards, seeking exemption from reservation, a request has already been sent to the Department of Empowerment of Persons with Disabilities, Ministry of Social Justice & Empowerment [DEPWD/MSJE]. The



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COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दवियांगजन सशक्तिकरण वभाग (दवियांगजन) / Department of Empowerment of Persons with Disabilities (Divyangjan)

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

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Case No. 14263/1011/2023

Dated: 12/06/2024

representative of Respondent No. 2 submitted that in the matters of recruitment and reservations, they are strictly following instructions received from Respondent No. 1.

3. After hearing the parties, the Court informed the respondents that as per Note 2 of the Gist of Recommendations of the Expert Committee constituted under Section 33 of the RPwD Act, 2016 as contained in the DEPwD, MSJ&E Notification No.38-16/2020-DD-III dated 04.01.2021 notifying therewith the centralized list of suitable jobs in all groups, the Central Ministries, Departments, Autonomous Bodies, Public Sector Undertakings may further supplement the list by adding to the list of posts identified for respective category of disability. Further, as per para 3 of the DoPT's Office Memorandum No.36035/02/2017-Estt (Res) dated 15.01.2018, any Ministry/Department in the Central Government which considers it necessary to exempt any establishment or any cadre or cadres fully or partly from the provisions of reservation for persons with benchmark disabilities shall make a reference to the DEPwD giving full justification for the proposal, who having regard to the type of work carried out in any Government establishment by notification and subject to such conditions, if any, as may be specified in the notification, in consultation with the Chief Commissioner for Persons with Disabilities (CCPD) may exempt any Establishment or any cadre(s) fully or partly from the provisions of reservation for persons with benchmark disabilities. As such, no establishment can deprive any person with disability from the reservation in appointment to a post identified by the government as suitable for his/her type of disability, without having obtained an exemption by way of a notification by the DEPwD. The respondents have not been able to produce any such notification. Accordingly, the Court concluded that prima facie Respondent No.1 appears to have violated the provisions of sections 33 and 34 of the Rights of Persons with Disabilities Act, 2016 [hereinafter as "the Act"], rules made thereunder, and the instructions issued by the Government.

4. Exercising the powers vested in it by section 77 of the RPwD Act, 2016, the Court directed the respondents to file a fresh affidavit supplying copies of the guidelines issued by the Railway Board (Respondent No. 1) to all the Railway Recruitment Cell/Railway Recruitment Boards on the



सत्यमेव जयते

न्यायालय मुख्यायुक्त दव्यांगजन
COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)
दव्यांगजन सशक्तकरण वभाग (दव्यांगजन) / Department of Empowerment of Persons with Disabilities (Divyangjan)
सामाजिक न्याय और अधकारिता मंत्रालय / Ministry of Social Justice and Empowerment
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Case No. 14263/1011/2023

Dated: 12/06/2024

reservation of vacancies to persons with Benchmark disabilities within 10 days from the date of issue of this Record of Proceedings.

5. This is issued with the approval of the Chief Commissioner for Persons with Disabilities.

Yours faithfully,

(Praveen Prakash Ambashta)
Dy. Chief Commissioner



सत्यमेव जयते

न्यायालय मुख्यायुक्त दवियांगजन
COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)
दवियांगजन सशक्तकरण वभाग (दवियांगजन) / Department of Empowerment of Persons with Disabilities (Divyangjan)
सामाजिक न्याय और अधकारिता मंत्रालय / Ministry of Social Justice and Empowerment
भारत सरकार / Government of India

Case No. 14279/1011/2023

Dated: 12/06/2024

Case No. 14279/1011/2023

In the matter of —

Complainants:

Sl. No.	Case No.	Name and Disability	Date of Complaint	Date of Notice
1.	14279/1011/2023 15365/1011/2024	Shri Raj Kumar, 75% Visual Impairment	12.07.2023	21.07.2023
2.	14279/1011/2023	Shri Avdhesh Kumar Kaushal, 100% Visual Impairment	13.07.2023	27.05.2024
3.	14286/1011/2023	Shri Hemant Maheshwari, 100% Visual Impairment	13.07.2023	21.07.2023
4.	15207/1014/2024	Shri Pawan Kumar, 100% Locomotor Disability (CP)	29.02.2024	18.03.2024
5.	15227/1014/2024	Shri Surinder Singh, 40% Locomotor Disability (LL)	08.03.2024	26.04.2024
6.	15232/1014/2024	Shri Arif Husain, 100% Visual Impairment	05.03.2024	19.03.2024

Versus

The Commissioner,



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न्यायालय मुख्यायुक्त दवियांगजन

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दवियांगजन सशक्तकरण वभिग (दवियांगजन) / Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजकि न्याय और अधकिरति मंत्रालय / Ministry of Social Justice and Empowerment

भारत सरकार / Government of India

Case No. 14279/1011/2023

Dated: 12/06/2024

National Education Society for Tribal Students (NESTS),

Gate No. 3A, Jeevan Tara Building,

Parliament Street,

New Delhi- 110001

Phone: 011-23340280

Email: nests-tribal@tribal.gov.in

asit.gopal@nic.in

... Respondent

Hearings:

This case was firstly scheduled for hearing on 30.05.2024 (online/offline), but the hearing could not be conducted due to administrative exigency. The next hearing was conducted on **03.06.2024** (online/offline). The following parties/representatives were present during the hearing:

Sl. No.	Name of the parties/ Representatives	Mode of Presence
<u>From Complainants:</u>		
1.	Shri Raj Kumar	Online
2.	Shri Avdresh Kumar Kaushal	Online
3.	Shri Hemant Maheshwari	Online

Office of Chief Commissioner for Persons with Disabilities(Divyangjan)
5th Floor, NISD Building, Plot No.G-2, Sector-10, Dwaraka, New Delhi-110075
Tele# 011-20892364, 20892275
E-mail: ccpd@nic.in



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न्यायालय मुख्यायुक्त दव्यांगजन

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दव्यांगजन सशक्तकरण वभाग (दव्यांगजन) / Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधकारिता मंत्रालय / Ministry of Social Justice and Empowerment

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4.	Shri Pawan Kumar,	Online
5.	Shri Surinder Singh	Online
6.	Shri Arif Husain	Online
<u>From Respondent:</u>		
1.	Shri Amartya A Sharan, Advocate Counsel for the Respondent	Online

RECORD OF PROCEEDINGS

**Office of Chief Commissioner for Persons with Disabilities(Divyangjan)
5th Floor, NISD Building, Plot No.G-2, Sector-10, Dwaraka, New Delhi-110075
Tele# 011-20892364, 20892275
E-mail: ccpd@nic.in**



सत्यमेव जयते

न्यायालय मुख्यायुक्त दवियांगजन

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दवियांगजन सशक्तिकरण वभिग (दवियांगजन) / Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधकारिता मंत्रालय / Ministry of Social Justice and Empowerment

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Dated: 12/06/2024

1. Shri Raj Kumar, a person with 75% Visual Impairment (VI) introduced himself and submitted that he had been a Vice Principal in KV Mati, Kanpur Dehat since November 2023. Before that, he was teaching History from 2007. The Complainant affirmed that a person with visual impairment is eligible to be considered for the post of Principal in Kendriya Vidyalaya and, therefore, in Eklavya Model Residential Schools (EMRS) a person with visual impairment can also work as a Principal.
2. Shri Avdhesh Kumar Kaushal, a person with 100% visual impairment (VI) has been working as TGT Biology in KV No.2, Armapur, Kanpur since 2008. He acquired the disability after he joined KV. He further submitted that the Respondent had called him for an interview after getting qualified as per their norms. However, he was disallowed from the interview and rudely rejected on the grounds of disability of having 100% visual impairment. He had applied for the post as a general candidate.
3. Shri Hemant Maheshwari, a person with 100% visual impairment (VI) introduced himself and submitted that he is a Maths Teacher. He submitted that he had apprised the Respondent during the interview about the judgment of the Hon'ble High Court and Hon'ble CAT that no PwBDs with visual impairment can be rejected for the post of Principal as per section 33 and 34 of the Rights of Persons with Disabilities Act, 2016 [hereinafter as "the Act"], but the Respondent did not select him.
4. Shri Pawan Kumar, a person with 100% Locomotor Disability (CP) introduced himself and submitted that he is working on a regular post as a PGT (Economic) in KV Jhajjar (Haryana).



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COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दव्यांगजन सशक्तकरण वभाग (दव्यांगजन) / Department of Empowerment of Persons with Disabilities (Divyangjan)

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5. Shri Surinder Singh, a person with 40% Locomotor Disability (LD) submitted that he is an English Teacher in a private school in Ludhiana (Punjab). He submitted that the interview was being conducted on the 3rd floor which was inaccessible. Anyhow when he reached there he was disallowed to appear in the interview because he would be definitely selected if he was interviewed. The Complainant requested the interviewer to select him under the EWS category. The Assistant Commissioner, namely, Mr. Patil who was sitting there in the interview board replied that “ , ” The Complainant submitted that the reply of the Asst. Commissioner felt very insulting to him before the interviewer. The Complainant had been imploring repeatedly to allow him for the interview, he went up and down from the third floor to the ground floor thrice, but his request for appearing in the interview was not granted though he was called by the Respondent for appearing in the interview.

6. Shri Arif Husain, a person with 100% visual impairment (VI) submitted that he is working as PGT English in a school of Govt. of NCT of Delhi, and the post of Principal is identified as suitable for a person with visual impairment in the schools of Govt. of NCT of Delhi. Recently three posts of Principal have been filled up with the candidate of visual impairment and there is also provision for promotion of persons with visual impairment to the post of Principal. There are many persons with visual impairments are working on the post of Vice Principal and Principal in the school of Govt. of NCT of Delhi, but the Respondent denied to appoint not even a person having 100% visual disability to the post of Principal but any person with disability having 100% disability.



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7. The Counsel on behalf of the Respondent submitted that no officer is present right now from the Respondent. He further submitted that out of the six cases listed for the hearing the copies of the complaints in four cases are not available to the Respondent. The Learned Counsel further submitted that earlier in these schools the vacancies of recruitment were floated through the state society, but now the same is being advertised by the Central Government. The schools in question have two features, firstly, these are residential schools; and secondly, these schools are mainly for the education of the tribal children in remote areas where the security of the students is a very important concern to be maintained.

8. After hearing the parties, the Court observed that the complainants who were appearing for the interview were not only harassed and humiliated although they were called by the Respondent for appearing in the interview but also prima facie violated the provisions of the Act and the rules thereunder.

9. The Court further observed that the Department of Empowerment of Persons with Disabilities (DEPWD), Ministry of Social Justice & Empowerment [DEPWD/MSJE] vide its Notification No.38-16/2020-DD-III dated 04.01.2021 has published a detailed list of identified post for Persons with Benchmark Disabilities (PwBDs) wherein the post of Principal is identified for PwBDs as scheduled in the Rights of Persons with Disabilities Act, 2016 [hereinafter as "the Act"] which is common in all the schools like CBSE, KV, JNV, Kasturba Vidyalaya, EMRS, etc. No ministries/departments/government establishments/ organizations can deprive any PwBDs of consideration for appointment to a post that is suitable for his/her kind of disability as per the Notification dated 04.01.2021 issued by DEPWD/MSJE.

10. In view of the complaints filed by the complainants and their submissions made during the hearing, the Court directed the Respondent as under:



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(i) that the Commissioner, National Education Society for Tribal Students (NESTS) and the Assistant Commissioner, namely, Mr. Patil must be present during the next hearing.

(ii) that prima facie the Respondent appears to have violated the provisions of sections 33 and 34 of the Act, rules thereunder, and the instructions issued by the Government. If the Respondent feels that the post of Principal needs exemption a proposal regarding exemption may be submitted to DEPwD in accordance with para 3 of the DoPT's Office Memorandum No.36035/02/2017-Estt (Res) dated 15.01.2028 regarding exemption from the reservation of posts for PwBDs, and the exemption if given will be applicable from the date of exemption and not from the retrospective effect.

(iv) that the Respondent should submit a copy of the documents with clarification on the basis of which the Respondent had decided not to recruit the PwBDs having severe disability on the vacancies reserved for PwBDs along with the medical fitness rules.

(v) that the Respondent should also submit their version of the alleged humiliation and harassment done to the candidates with disabilities who were called by the Respondent to appear in the interview.

11. The Court directed the Respondent to submit their reply positively within four weeks from the date of issue of this Record of Proceedings. The Court also directed that copies of all the complaints may be sent to the Respondent immediately, who may file its reply within one week. The case will be listed after 3 weeks.

12. This is issued with the approval of the Chief Commissioner for Persons with Disabilities.



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COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)
दव्यांगजन सशक्तकरण वभाग (दव्यांगजन) / Department of Empowerment of Persons with Disabilities (Divyangjan)
सामाजिक न्याय और अधकारिता मंत्रालय / Ministry of Social Justice and Empowerment
भारत सरकार / Government of India

Case No. 14279/1011/2023

Dated: 12/06/2024

Yours faithfully,

(Praveen Prakash Ambashta)
Dy. Chief Commissioner



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न्यायालय मुख्यायुक्त दवियांगजन
COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)
दवियांगजन सशक्तकरण वभाग (दवियांगजन) / Department of Empowerment of Persons with Disabilities (Divyangjan)
सामाजिक न्याय और अधकारिता मंत्रालय / Ministry of Social Justice and Empowerment
भारत सरकार / Government of India

Case No. 14318/1012/2023

Dated: 12/06/2024

Case No. 14318/1012/2023

In the matter of —

Shri Dharmendra Kumar,
S/o Shri Kailash Nath Singh,
Quarter No. 915, Block-98,
CGS Colony, Sector-1,
Antophill, Mumbai 400037
Email: dharmendra198319@rediffmail.com

... Complainant

Versus

(1) The Secretary,
Department of Personnel & Training,
Ministry of Personnel, Public Grievances and Pensions,
North Block, New Delhi-110001
Email: secy_mop@nic.in

... Respondent No1

(2) The Secretary,
Union Public Service Commission,
Shahjahan Road,
New Delhi – 110069
Email: secyoffice-upsc@gov.in

...Respondent No.2

Hearing:

A hearing was conducted on **30.05.2024 (online/offline)**
. The following parties/representatives were appeared during the hearing:

Sl. No.	Name of the parties/ Representatives	Mode of Presence
From Complainant:		
1.	Shri Dharmendra Kumar, Complainant	Online



सत्यमेव जयते

न्यायालय मुख्यायुक्त दवियांगजन

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दवियांगजन सशक्तिकरण वभिग (दवियांगजन) / Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधकारिता मंत्रालय / Ministry of Social Justice and Empowerment

भारत सरकार / Government of India

Case No. 14318/1012/2023

Dated: 12/06/2024

From Respondent No.1:		
1.	Shri Anshuman Shah, US(AIS-II), DoPT	Online
From Respondent No.2:		
	None appeared	--

RECORD OF PROCEEDINGS

During the hearing the Complainant who is a person with 57% Multiple Disability reiterated his grievance that UPSC did not provide relaxation in minimum qualifying marks in GS Paper-2 (CSAT) of the Civil Service Examination 2023 in terms of Rule 17 of the Civil Services Rules and DoPT OM dated 15.01.2018 and 27.09.2022. Therefore, the appropriate number of applicants (13 times of vacancies) under multiple disabilities could not qualify the examination. The minimum qualifying marks was 33% for GS Paper-2 (CSAT).

2. The representative appearing for DoPT (Respondent No.1) submitted that all posts reserved for Persons with Benchmark Disabilities (PwBD) are being filled up. However, no relaxation in minimum qualifying marks are being provided to any candidate in reserved category, even SC/ST candidates are not being allowed relaxation in the minimum qualifying marks i.e. 33%.

3. After hearing the parties the Court directed the Respondent No.1 to share the following information/documents within 15 days from the date of receipt of this Record of Proceedings:

- (i) Number of posts for PwBDs in all the four categories advertised by UPSC in the last three years;
- (ii) Number of posts filled up and number of posts not filled up; and
- (iii) What efforts were made to fill up unfilled posts.



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सामाजिक न्याय और अधकारिता मंत्रालय / Ministry of Social Justice and Empowerment
भारत सरकार / Government of India

Case No. 14318/1012/2023

Dated: 12/06/2024

4. This is issued with the approval of the Chief Commissioner for Persons with Disabilities.

Yours faithfully,

(Praveen Prakash Ambashta)
Dy. Chief Commissioner



न्यायालय मुख्य आयुक्त दिव्यांगजन

COURT OF THE 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

5वाँ तल, एन.आई.एस.डी. भवन, जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष : (011) 20892364

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

Email: ccpd@nic.in; Website: www.ccdisabilities.nic.in

Case No. 14494/1022/2023

In the matter of —

Ms. Sangeeta Kolhapure
304, Nikhil Apartment,
Kala Nagar Vaghani East,
Taluka- Ambernath,
Dist- Thane
Maharashtra-421503
Email: bhikajikolhapure@gmail.com
Mobile: 9765978058

... Complainant

Versus

The Chairman
State Bank of India,
State Bank Bhavan,
16th Floor, Madam Cama Road,
Mumbai- 400021
Email: chairman@sbi.co.in

... Respondent

Hearing:

A hearing was conducted in hybrid mode (Online/Offline) on 30.05.2024. The following parties/representatives were present during the hearing:

Sl.No.	Name of the parties / Representatives	For Complainant/ Respondent	Mode of Attendance
1.	Ms. Sangeeta Kolhapure	Complainant	Online
2.	Mr. Shriram Singh, General Manager Mr. Surjeet Kumar Shah, AGM (HR) Advocate Prabhanjan Gujar	For Respondent	Online

RECORD OF PROCEEDINGS

1. At the outset, the Chief Commissioner for Persons with Disabilities asked the Respondent as to - a) whether there was any vacancy in the Mumbai Metro Circle at the time the Complainant joined at Pune in the Maharashtra Circle, (b) has any exception been made to the rule against the inter Circle transfer in the clerical cadre in any other case, if yes the details thereof and the reasons why a similar dispensation can not be given in this case, and (c) whether the mutual transfers are allowed in the respondent establishment?

2. The Respondent submitted that in Maharashtra, there are two Circles; namely Maharashtra Circle and Mumbai Metro Circle. At the time of advertisement, vacancies were available in both circles, but the first choice was given by the Complainant as Maharashtra Circle. Hence, she was given a posting at Pune. It is further submitted that at the time of filling out the application process, they are not part of this process. Their role starts only after the joining of the applicant at the place of posting. The Inter Circle transfers happened before the year 2019, but the same stopped after the advertisement of 2019, and the Bank has issued instructions in this regard. The Respondent further submitted that in regards to mutual transfer, they will examine after seeking instructions from the headquarters. If both employees are agreed then, the matter will be taken up to the higher authorities.

3. After hearing both parties, the Chief Commissioner for Persons with Disabilities advised the Respondent to examine the request of one Ms. Priyanka Jadhav, a person with visual impairment, who is posted in Mumbai and her husband is in Pune. If the mutual transfer takes place then it will be beneficial for both the employees with disabilities. The Respondent was directed to examine the matter in consultation with both the employees with an open and positive mind and submit the compliance within 2 weeks to this Court.

4. This is issued with the approval of the Chief Commissioner for Persons with Disabilities.

Signed by
Praveen Prakash Ambashta
Date: 10-06-2024 18:04:18

(P. P. Ambashta)
Dy. Chief Commissioner



सत्यमेव जयते

न्यायालय मुख्यायुक्त दवियांगजन

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दवियांगजन सशक्तकरण वभिग (दवियांगजन) / Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधकारिता मंत्रालय / Ministry of Social Justice and Empowerment

भारत सरकार / Government of India

Case No. CCPD/15293/1031/24

Dated: 12/06/2024

Case No. 15293/1031/2024

In the matter of —

Shri Shakeeb Ahmad,
R/o Plot No.57/P, Hyder Enclave,
PNT Colony, Suncity,
Near Yaseen Masjid, Naala Road,
Hyderabad-500046 (Telangana)
Contact: 9971266851

Email: shakeeb.ahmad.78@gmail.com

... Complainant

Versus

The Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi 110016,

Email: commissioner.kvs@gov.in

... Respondent



सत्यमेव जयते

न्यायालय मुख्यायुक्त दवियांगजन
COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)
दवियांगजन सशक्तकरण वभाग (दवियांगजन) / Department of Empowerment of Persons with Disabilities (Divyangjan)
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भारत सरकार / Government of India

Case No. CCPD/15293/1031/24

Dated: 12/06/2024

Hearings:

This case was scheduled for hearing on 30.05.2024 (online/offline), but the hearing could not be conducted due to administrative exigency. The following parties/representatives were present during the hearing:

Sl. No.	Name of the parties/ Representatives	Mode of Presence
From Complainant:		
1.	Shri Shakeeb Ahmad, Complainant	Online
From Respondent:		
1.	Dr. P. Deva Kumar, Jt. Commissioner, KVS	Online

2. Next hearing was conducted on 03.06.2024 (online/offline). The following parties/representatives were present during the hearing:

Sl. No.	Name of the parties/ Representatives	Mode of Presence
From Complainant:		
1.	None appeared	--
From Respondent:		
1.	Shri B.K. Mehra, Dy. Commissioner, KVS HQ	Online

RECORD OF PROCEEDINGS

Office of Chief Commissioner for Persons with Disabilities(Divyangjan)
5th Floor, NISD Building, Plot No.G-2, Sector-10, Dwaraka, New Delhi-110075
Tele# 011-20892364, 20892275
E-mail: ccpd@nic.in



सत्यमेव जयते

न्यायालय मुख्यायुक्त दव्यांगजन

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दव्यांगजन सशक्तकरण वभाग (दव्यांगजन) / Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधकारिता मंत्रालय / Ministry of Social Justice and Empowerment

भारत सरकार / Government of India

Case No. CCPD/15293/1031/24

Dated: 12/06/2024

The complaint is regarding denial of relaxation for promotion to Class X to Mr. Aadil Ahmad, who is a student with 75% Mental Retardation and studying in Kendriya Vidyalaya (KV1), Golconda, Hyderabad. The Complainant who is the father of the student had alleged that the school had failed to assign the student his specialized needs, support and a trained teacher in special education or someone knowledgeable about autism.

2. During the hearing the representative of the Respondent reiterated the reply filed by the Respondent and added that the school is following CBSE guidelines and promotion policy, and there is no policy, rules, etc. to promote a student on the ground of disability. All facilities have been provided to the students but he failed in four subjects out of five subjects.

3. Since the Complainant could not attend the hearing, the Court adjourned the hearing to be heard again.

4. This is issued with the approval of the Chief Commissioner for Persons with Disabilities.

Yours faithfully,

**(Praveen Prakash Ambashta)
Dy. Chief Commissioner**



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न्यायालय मुख्यायुक्त दवियांगजन
COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)
दवियांगजन सशक्तकरण वभाग (दवियांगजन) / Department of Empowerment of Persons with Disabilities (Divyangjan)
सामाजिक न्याय और अधकारिता मंत्रालय / Ministry of Social Justice and Empowerment
भारत सरकार / Government of India

Case No. CCPD/15026/1022/24

Dated: 14/06/2024

In the matter of—

Shri Nakshatra Malakar
S/O Shri Gautam Malakar,
Road No. 14, Dhaleswar
East Agartala, West Tripura
Tripura- 799007
Email: _____

...Complainant

Versus

The Registrar
National Institute of Technology
G. F. Road, Raipur
Chhattisgarh-492010
Email: registrar@nitrr.ac.in

...Respondent

Hearing:

A hearing was conducted in hybrid mode (Online/Offline) on 30.05.2024.
The following parties/representatives were present during the hearing:

Sl.No.	Name of the parties / Representatives	For Complainant/ Respondent	Mode of Attendance
1.	Shri Nakshatra Malakar Ms. Madhumanti Roy (Mother)	Complainant	Online
2.	Dr. P.Y. Dhekne, Registrar Dr. Shrish Verma, Dean Academics Dr. Nitin Jain, Dean Student Welfare	Respondent	Online

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COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दवियांगजन सशक्तिकरण वभाग (दवियांगजन) / Department of Empowerment of Persons with Disabilities (Divyangjan)

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

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Case No. CCPD/15026/1022/24

Dated: 14/06/2024

1. At the outset, the Chief Commissioner for Persons with Disabilities asked the Respondent about the factual position of the matter as the Complainant submitted that he was seated in Room No. G-4 according to the seating arrangement, but during the distribution of the question paper, Professor Deepak Singh misbehaved with him and said that he is sitting in a wrong room and asked him to go out of the room. The Complainant alleges that Professor Singh's behavior was rude.

2. The Respondent submitted that in Room No. G-4, students of only Mechanical Engineering were seated. The Complainant along with other CSC students was planned to be seated In Room No. D-3. This fact was conveyed by the invigilator in Room No.G-4.

3. The Court asked the Complainant whether he checked the seating arrangements before sitting in Room No. G-4. The Complainant submitted that when he entered the Room No. G-4 30 minutes before the start of the exam, a list of CSC students was pasted on the notice board outside the room. It was a supplementary exam, hence, the seating plan might have been re-printed and shifted to another room but by then he had entered the room.

4. The Court then asked the Respondent if nobody checked the roll numbers of the students at the entry of the rooms. The Respondent submitted that it is checked 10 minutes before the distribution of papers. Due to some misunderstanding, the Complainant might have seen the seating arrangement of the previous date. On the top of that notice board, the seating arrangement of that day was pasted. The CSC students were planned to be seated in Room No. G-3.

5. The Court further asked the Complainant whether he saw his CSC batchmates sitting in Room No. G-4 to which the Complainant said that he entered the room 30 minutes before the start of the exam and on the bench his roll number was pasted. All CSC students were standing outside the room and when he left Room No. G-4 to reach the new room, they followed him. The Court further asked the Complainant whether Professor Deepak Singh taught him ever. In response, the Complainant said that he came to know his name only after the occurrence and that the said professor was not known to him.

6. The Court also asked the Respondent about the performance of the Complainant in the 1st, 2nd, 3rd and 4th semester. In response, the Respondent replied



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Case No. CCPD/15026/1022/24

Dated: 14/06/2024

that in 1st semester in July 2022, he failed in four subjects, the total credits he earned out of 26 were 11. Even after the supplementary exam, he could not clear 3 subjects of 1st semester. In 2nd semester he failed in 3 subjects and he was registered for 20 credits. In 3rd semester once again he failed in all subjects. Till today he has appeared in 3 semesters and he cleared only 41 credits out of the total credit of 74. Further, the Court asked the Respondent whether any extension of time is allowed for the student to complete 8 semesters and if yes, to what extent. The Respondent said that a maximum of 7 years is allowed to complete 8 semesters.

7. The Court then asked the Complainant how could he blame Professor Deepak Singh for his failure, when he did not even teach him. In response, the Complainant submitted that the professor used the word "idiot" for him in a harsh tone in front of many students and others and asked him to get out. He got depressed due to the behavior of the professor, resulting in his drop in performance in the exam. He also clicked his photo, photo of his I-Card, and his admit card.

8. The Court further asked the Respondent whether any inquiry was conducted in this matter to find out the truth. The Respondent replied that they did constitute a committee that conducted an inquiry wherein comments of Professor Deepak Singh along with other invigilators were collected. The Committee submitted its report by finding that no such incident as alleged by the Complainant, had happened.

9. The Court then asked the Respondent whether they were conducting any special classes for any student who may need them. The Respondent submitted that they are conducting extra classes for some students, and will help in every possible way to the Complainant. The Complainant must attend classes as he has so far not been regular in the classes. It is not their intention that the Complainant go out from the NIT though they can issue the NOC if the Complainant so desires.

10. Upon considering the submissions of the parties, the Court concluded that the whole issue appears to be an outcome of negligence on the part of both parties and mishandling of the entire situation by the Respondent. The Respondent should have been more sensitive and careful about the special needs of the Complainant. The Court expressed its disinclination to issue instructions or recommendations for his transfer to another NIT or any other institution of his choice as admission to the NITs is governed under their independent rules/regulations. The Court advised the Complainant to put more effort into completing his degree within the available time.



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The Court advised the Respondent to look into the matter positively and sensitize the officials towards the needs of the students with special needs. The Court also advised the parties to resolve that matter with discussion and submit a report in this regard along with copies of the notification/order appointing the inquiry committee and its report within 4 days. The Respondent shall ensure that Prof Deepak Singh is present in the next hearing which may be held if needed after considering the response of the Respondent.

11. This is issued with the approval of the Chief Commissioner for Persons with Disabilities.

Yours faithfully,

**(Praveen Prakash Ambashta)
Dy. Chief Commissioner**



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COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)
दिव्यांगजन सशक्तिकरण वभाग (दिव्यांगजन) / Department of Empowerment of Persons with Disabilities (Divyangjan)
सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment
भारत सरकार / Government of India

Case No. CCPD/15316/1032/24

Dated: 11/06/2024

Case No. CCPD/15316/1032/24

In the matter of —

Suo-motu cognizance regarding the status of guidelines of inclusive education and homeschooling across the States/UTs

Versus

(1) The Chief Secretary,
All States, and Union Territories (As per list attached)

For kind attention & response:

The Principal Secretary,

Education Department; and

The Principal Secretary,

Welfare/Social Welfare Departments,

All States, and Union Territories

No.1

... Respondent

(2) The Secretary,
Department of School Education & Literacy,
Ministry of Education,



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सामाजिक न्याय और अधकारिता मंत्रालय / Ministry of Social Justice and Empowerment

भारत सरकार / Government of India

Case No. CCPD/15316/1032/24

Dated: 11/06/2024

Room No. 124-C, Shastri Bhawan,
New Delhi – 110001

Email: secy.sel@nic.in
Njo.2

... Respondent

- (3) The Joint Secretary (Policy)
Department of Empowerment of Persons with Disabilities,
Ministry of Social Justice & Empowerment,
Room No.527, B-III Wing,
Pt. Deendayal Antyodaya Bhawan,
CGO Complex, Lodhi Road,
New Delhi – 110003
Email: yrajeshk@ias.nic.in
No.3

... Respondent

Hearing:

An online hearing was conducted on **17.05.2024** through video conferencing. A list of the officers representing the States/Union Territories present during the hearing is attached herewith as **Annexure-H1**.

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COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

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सामाजिक न्याय और अधकारिता मंत्रालय / Ministry of Social Justice and Empowerment

भारत सरकार / Government of India

Case No. CCPD/15316/1032/24

Dated: 11/06/2024

At the outset, the Court expressed its appreciation for the large number of attendees from various state governments and union territories as well as from the concerned ministries and departments of the Central Government who were requested to attend the proceedings at short notice.

The Court apprised the representatives that the need for these proceedings arose due to a lot of feedback received during interactions of the Court with government and non-government agencies on the issue of the minimum aids, appliances, and amenities, including but not limited to accessible reading material, inclusive education and, the free meal that need to be made available to the Children With Special Need (CWSN) in all special schools irrespective whether they are owned or run by a government or a private agency or controlled by a none governmental organization. Such provisions also need to be ensured to all CWSN whether the special schools are regulated by the Welfare Department of the concerned government or by their Education Department or for that matter by any department of the government. The Court brought the attention of the representatives attending the hearing to the relevant provisions of the Rights of Persons with Disabilities Acts, 2016 [referred to as the "the Act" hereinafter], rules made thereunder, the Right to Education Act, 2009, and the instructions issued in this regard by the appropriate governments. For easy reference, sections 16, 17, and 31 are reproduced as under:

"16. The appropriate Government and the local authorities shall endeavour that all educational institutions funded or recognised by them provide inclusive education to the children with disabilities and towards that end shall—



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(i) *admit them without discrimination and provide education and opportunities for sports and recreation activities equally with others;*

(ii) *make building, campus and various facilities accessible;*

(iii) *provide reasonable accommodation according to the individual's requirements;*

(iv) *provide necessary support individualised or otherwise in environments that maximise academic and social development consistent with the goal of full inclusion;*

(v) *ensure that the education to persons who are blind or deaf or both is imparted in the most appropriate languages and modes and means of communication;*

(vi) *detect specific learning disabilities in children at the earliest and take suitable pedagogical and other measures to overcome them;*

(vii) *monitor participation, progress in terms of attainment levels and completion of education in respect of every student with disability;*

(viii) *provide transportation facilities to the children with disabilities and also the attendant of the children with disabilities having high support needs."*

"17. The appropriate Government and the local authorities shall take the following measures for the purpose of section 16, namely:

(a) *to conduct survey of school going children in every five years for identifying children with disabilities, ascertaining their special needs and the extent to which these are being met:*

Provided that the first survey shall be conducted within a period of two years from the date of commencement of this Act;



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दवियांगजन सशक्तकरण वभाग (दवियांगजन) / Department of Empowerment of Persons with Disabilities (Divyangjan)

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(b) *to establish adequate number of teacher training institutions;*

(c) *to train and employ teachers, including teachers with disability who are qualified in sign language and Braille and also teachers who are trained in teaching children with intellectual disability;*

(d) *to train professionals and staff to support inclusive education at all levels of school education;*

(e) *to establish adequate number of resource centres to support educational institutions at all levels of school education;*

(f) *to promote the use of appropriate augmentative and alternative modes including means and formats of communication, Braille and sign language to supplement the use of one's own speech to fulfill the daily communication needs of persons with speech, communication or language disabilities and enables them to participate and contribute to their community and society;*

(g) *to provide books, other learning materials and appropriate assistive devices to students with benchmark disabilities free of cost up to the age of eighteen years;*

(h) *to provide scholarships in appropriate cases to students with benchmark disability;*

(i) *to make suitable modifications in the curriculum and examination system to meet the needs of students with disabilities such as extra time for completion of examination paper, facility of scribe or amanuensis, exemption from second and third language courses;*

(j) *to promote research to improve learning; and*

(k) *any other measures, as may be required."*



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“31. (1) Notwithstanding anything contained in the Rights of Children to Free and Compulsory Education Act, 2009, every child with benchmark disability between the age of six to eighteen years shall have the right to free education in a neighbourhood school, or in a special school, of his choice.”

2. The Court requested the representatives from state governments and the UT administrations to share the status of implementation of the abovementioned statutory provisions and Due to shortage of time, the version of all the representatives appearing from States and Union Territories could not be heard/recorded. However, the representatives appearing on behalf of the state governments, viz., Punjab, Odisha, Kerala, Assam, Tamil Nadu, Madhya Pradesh, Uttar Pradesh, Chhattisgarh, Sikkim and Delhi submitted their version as summarized below.

3.1 **Punjab:** The Special Chief Secretary, Department of Social Security and Women & Child Development and the Secretary, School Education, Govt. of Punjab submitted that around 48000 special children category students are in schools and they are provided all facilities. There are 86 Special Educators. Certain other institutions have also been affiliated with the school education board for good exams and other purposes. But as of date, there is no special school in the State.

3.2 **Odisha:** The Director, Social Security & Empowerment of Persons with Disabilities Department, Govt. of Odisha submitted that in Odisha there are 104 Special Schools and 01 college. Maintenance grants are regularly



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provided but no Mid-day meal is provided. The State Commissioner for Persons with Disabilities, Government of Odisha added that in special schools 6815 special students are studying. Apart from this, there are some schools which are run by private and NGOs. In those schools, the Government of Odisha is providing maintenance grants though Mid-day meals are not being provided to them, but they are getting regular grants for three meals. The Government of Odisha is also providing uniforms, and winter grants in the form of winter uniforms to all these special schools students of the special schools. They are provided with required devices like wheelchairs, etc. After passing out class VII, they are taken to the inclusive mode. And similarly, after the schooling is over they go to normal colleges and universities. The SCPD also pointed out that there are adequate counselors, special language teachers, and special educators in special schools, but there are 86000 students studying in inclusive mode but they are not getting the benefits of special teachers, care attendants, and assistive devices as compared to higher education.

3.3 Kerala: The Director, General Education, Govt. of Kerala submitted that there are 342 Special Schools in the State in which 9124 students are studying. There are 43 schools for children with visual impairment and hearing impairment in which 2973 students are studying. Transportation service is provided to all students. There are 1385 Special Care Centres for different needs children which are being looked after by specialized teachers.

3.4 Assam: The Additional Secretary, Secondary Education Department, Government Assam submitted that there are 55726 Children with Special Needs (CwSN) in 21836 schools in the State under inclusive education with



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school educators, trained teachers & staff. Special Books are there for them. As per the mandate of the Hon'ble Supreme Court, vacancies have been advertised for special educators. The students are provided with all facilities including mid-day meal, special shoes and uniforms. The Secretary, Social Justice & Empowerment Department, Government of Assam added that there are 03 schools under the Social Justice & Empowerment Department which are being handed over to the Education Department.

3.5 Tamil Nadu: The Director for Welfare of the Differently Abled, Department, Govt. of Tamil Nadu submitted that there are 22 Special Schools run by the Government. In the schools for children with visual and hearing impairment, around 1100 children are studying. All facilities are being provided to the children and the Government of Tamil Nadu is considering providing mid-day meals to those children. There are 48 Government aided schools and the schools run by the NGOs are 307. All this is being taken care of by the Government of Tamil Nadu.

3.6 Madhya Pradesh: The State Commissioner for Persons with Disabilities, Govt. of Madhya Pradesh submitted that inclusive education is provided and all norms are being followed. Mid-day meals are being provided to all children in the schools. In every Block 02 Special Educators provide mobile education. A 50-seater hostel is available in every division for girl students with disabilities.

3.7 Uttar Pradesh: The Principal Secretary, Empowerment of Persons with Disabilities Department submitted that there are 21 Special Schools run



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by the Government of UP, and 2000/- per person per month is provided to the students studying in Special Schools.

3.8 **Chhattisgarh:** The Additional Director, Social Welfare Department, Govt. of Chhattisgarh submitted that there are 20 Government Institutions and 43 NGOs in which there is a college for divyang students. In these institutions, 3972 students are studying. 29 schools are for visual impairment; 06 schools are for Locomotor disability; 03 schools are for multiple disabilities; and 24 schools are for Mental Illness. Grants and Mid-day meals are being provided, the students are also getting benefits under SSA and ADIP schemes.

3.9 **Sikkim:** Joint Commissioner for Persons with Disabilities, Govt. of Sikkim submitted that there are 03 residential special schools. 01 school is for Speech & Hearing disabilities, and 01 school is for visual impairments. All the students in these schools are provided uniforms, hearing aids, aids and appliances, and regular medical check-ups. There are special educators in these schools. 100% reimbursements are made to the students who go for higher studies out of state. The State also has a braille press to cater to the need for reading materials for the students.



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3.10 **Uttarakhand:** The DG EDUCATION /SPD SAMAGRA SHIKSHA submitted that a total of 3840 children are studying in the state. There are 10 Special schools that are run by private institutions. 01 school is run by NIOH and 08 schools are recognized by the State Government. Mid-day meal is provided in all schools run by the Government.

3.11 **Delhi:** The Academic charge submitted that there are 14 Special Schools in the State and 06 schools were handed over to the Government last year. All special schools are facilitated with special educators and all facilities are provided to all 2400 CWSN reading in the Government schools. Mid-day meal is also provided to them.

4. From the version of the representatives it appeared that some of the states are spending hundred percent money from their education budget to give assistive devices to these children, but in some of the states, the students/children in the special schools are deprived with their basic needs and are not provided even with the mid-day meals whereas the children/students are rightfully entitled to get the facilities/benefits as stipulated in the Act.

5. The representatives from the State Government and Union Territories are directed to furnish the information in writing in the format which has already been provided to them as **Annexure-B** to the Notice dated 09.05.2024 issued to them.



सत्यमेव जयते

न्यायालय मुख्यायुक्त दवियांगजन
COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)
दवियांगजन सशक्तकिरण वभिग (दवियांगजन) / Department of Empowerment of Persons with Disabilities (Divyangjan)
सामाजकि न्याय और अधकिरति मंत्रालय / Ministry of Social Justice and Empowerment
भारत सरकार / Government of India

Case No. CCPD/15316/1032/24

Dated: 11/06/2024

Encl.: As above

Yours faithfully,

(Praveen Prakash Ambashta)
Dy. Chief Commissioner