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In the Court of State Commissioner for Persons with Disabilities
National Capital Territory of Delhi
25- D, Mata Sundari Road, Near Guru Nanak Eye Centre, New Delhi-2
Phone-011-23216002-04, Telefax: 011-23216005, Email: comdis.delhi@nic.in
[Vested with powers of Civil Court under the
Rights of Persons with Disabilities Act, 2016]

Case No. 4/1308/2016-Wel./CD/ 603-604

Dated: 30/5/17

Case No. 4/1485/2016-Wel/CD

In the matter of:

Sh. Rakesh Kumar,
Ward No.-15, Naya Tola Madhopur,
Bakitiyar, Patna,
Bihar-803212.

..... Complainant

Versus

The Chairman,
Delhi Subordinate Services Selection Board,
FC-18, Institutional Area,
Karkardooma, New Delhi-110092.

..... Respondent

Date of hearing: 26.05.2017

Present: None for Complainant.
Sh. Rajesh Bhatia, Dy. Secretary and Sh. Anil Agarwal, Grade-I
on behalf of respondent.

ORDER

Sh. Rakesh Kumar, a person with 45% locomotor disability filed a complaint dated 15.06.2016. He submitted that he appeared in the Delhi Subordinate Services Selection Board (DSSSB) Combined Examination for LDC Post Code 48/12 under the Roll No. 20000040 under SC (PH-OH) category. He also passed skill test and his documents were verified. However, in the result Notice No. 391 published on 08.06.2016, his name did not appear although 4 vacancies were reserved for PH-OH, 11 for SC and 28 were unreserved. As per the Govt. of India's rules, he should be given reservation in all the three quotas.

2. The complaint was taken up with the respondent vide communication dated 19.07.2016. A copy of his complaint was also received from the Office of Chief Commissioner for Persons with Disabilities vide letter dated 21.07.2016 and another from Department of Social Welfare vide letter dated 29.08.2016. One of his complaints was registered as Case No. i.e. 4/1485/2016-Wel-CD. As the subject matter in both the cases is same, this order will dispose of both the said cases.

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3 The respondent vide letter dated 22.09.2016 informed that written examination for the post code 48/12 Delhi Jal Board, 52/12 Rajya Sainik Board & 68/12 Services Department of GNCTD was conducted on 16.11.2014. Candidates upto 109.75 marks for UR/OBC/SC categories were shortlisted for appearing in type writing skill test. The complainant had applied under SC-PH(OH) category for the post of LDC in Delhi Jal Board. He obtained 96.5 marks in the written examination. For Delhi Jal Board, cut off marks for PH-OH category were 126.25. Since the complainant had obtained 96.5 marks in the written examination he was not selected.

4 The complainant had submitted another complaint dated 23.1.2016 wherein he mentioned that the Roll No. 20000005 with a score of 109.75 was included in the final merit list and hence the statement that the cut off marks for PH-OH were 129.75, was incorrect.

5 In view of the submissions of the complainant that the information supplied by the respondent was incorrect, a hearing was scheduled on 26.05.2017. The respondent vide letter dated 18.05.2017 reiterated that the cut off marks for final result under the post code for PH-OH category were 126.25 for the post of LDC in Delhi Jal Board (Post Code 48/12), whereas the complainant had obtained 96.5 marks in the written examination. Therefore, he was not selected. The respondent further clarified that the candidate bearing Roll No. 20000005 was selected under PH-VH category for which the cut off marks were different. It has further been stated that the result of PH vacancies is being reviewed to ensure norms of horizontal reservation as laid down in the reservation policy.

6 The representatives of the respondent during the hearing further elaborated that the persons with disabilities who were selected on their own merit without availing any relaxation as a person with disability, will be adjusted against the vacancies for their respective vertical categories i.e. General, OBC, SC. Some dossiers have also been received back from the user Departments. Due to which the result will need to be recast. Consequently the cut off marks are likely to be lower. However, in case of the complainant who applied for post code 48/12 (LDC in Delhi Jal Board) no change is expected as all the reserved vacancies for persons with disabilities in OH category have already been filled as on date. They assured that the relevant instructions with regard to reservation for persons with disabilities will be strictly followed and no injustice ^{will} be ^{to} done to the complainant.

7 The representatives of the respondent also produced relevant record including all the relevant data in respect of candidates with locomotor disability. It is observed from the record made available that the complainant appeared at SI.No. 40 ² out in the list of total 45 persons with locomotor disability (PH-OH). A separate merit list of the candidates with locomotor disability has been drawn for all the vacancies in three post codes i.e. 48/12, 52/12 & 68/12. Thereafter, the candidates are picked up in the order of their merit amongst the OH category against the reserved vacancies in the post

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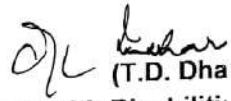
code for which they had applied. For example, the complainant who had applied on post code 48/12, would be considered only for post code 48/12. In the said post 48/12, out of 319 vacancies, 5 were reserved for OH, 6 for VH and 6 for HH category. So, the complainant at Sl.No. 40 of the merit list has no chance to be selected.

8. In the light of the facts mentioned above, the complainant has not denied the benefit of reservation in accordance with the instructions on the subject

The matter is disposed of accordingly.

Given under my hand and the seal of the Court this 30th day of May, 2017




(T.D. Dha)
State Commissioner for Persons with Disabilities

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Integrated Office Complex, New Delhi
Room No. - 1
25-D, Naita Sundari Road, New Delhi-02