

In the Court of Commissioner for Persons with Disabilities
25- D, Mata Sundari Road, Near Guru Nanak Eye Centre, New Delhi-2
Phone-23216002-04, Telefax: 23216005
[Vested with power of Civil Court under the Persons with Disabilities (Equal Opportunity, Protection of Rights and Full Participation) Act, 1995]

Case No. 4/722/2014-Wel./CD | 157-58

Dated: 22/4/2015

In the matter of :

Sh.Pawan Kumar Singh
S/o. Sh.J.P.Singh
B-18/4, East Arjun Nagar
Gali No.6, Shahadara
Delhi-110032.

..... **Petitioner**

Versus

Ms.Padmini Singla
Director
Directorate of Education
Old Secretariat, Delhi

..... **Respondent**

ORDER

1. A representation was filed by Sh.J.P.Singh on behalf of his son Mr.Pawan Kumar a disabled person stating that his son is not being considered for appointment for the post of Drawing Teacher in the Directorate of Education. The Directorate of Education had invited applications for various posts including post of Drawing Teachers but reservation was allowed only to orthopaedic disabled and visually impaired persons in the category of disabled persons. The petitioner stated that his son Mr.Pawan Kumar has done Master of Fine Arts and he is eligible for the post of Drawing Teacher but his application was not accepted even as the post of Drawing Teacher is identified suitable for Hearing Impaired as per the list of Government of India.
2. The Director of Education was requested to file comments on the representation. As per the comments filed on behalf of the Director of Education Mr.Pawan Kumar applied against one post of Drawing Teacher reserved for persons with disabilities but was not selected as he does not fulfil the eligibility requirement prescribed in the Recruitment Rules for the post of Drawing Teacher.

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Court of Commissioner (Disabilities)
National Capital Territory of Delhi
Room No. - 1
25-D, Mata Sundari road, New Delhi-02

3. A hearing was fixed as even after protracted correspondence with the concerned officers of the Directorate of Education the issue was not getting resolved. During the course of the hearing it was stated by the representative of the Directorate of Education that the candidate namely Mr.Pawan Kumar son of Sh.J.P.Singh the petitioner does not fulfil the requirements notified by the Directorate of Education in the Recruitment Rules for the post of Drawing Teacher. As per Recruitment Rules notified by the Government of NCT of Delhi for the post of Drawing Teacher (excluding geometrical and mechanical training) in the Directorate of Education one of the essential qualifications is higher secondary/intermediate with minimum four years full time Diploma in Painting and Fine Art from a recognized institution /University. However for existing teachers the essential qualification is high school with five years full time Diploma. The University of Delhi instituted; under the relevant ordinance; a Diploma course in Fine Art in 1980 in the College of Art functioning under the Government of NCT of Delhi with a view to providing education in Fine Art to Deaf and Dumb students. These students study the practical subjects prescribed for the BFA course but are exempted from the study of theory subjects. The students who have passed the Secondary School Certificate (Class X) conducted by the Central Board of Secondary Education New Delhi or an examination equivalent will be eligible for admission to this course subject to their passing the Aptitude Test only in practical subjects. The admission to this course is given for five seats only one in each of the five disciplines i.e Applied Art, Painting, Print Making, Sculpture and Visual Communication as per the modality of University of Delhi. Such Diploma courses have reportedly been introduced by other Universities/Colleges for persons with hearing impairment and have also exempted them from attending theory classes. The petitioner stated that Mr.Pawan Kumar obtained admission in BFA under the ordinance passed by Central Government in which Hearing Handicapped students are allowed to study with normal students and they are exempted from getting Senior Secondary school certificate. Mr.Pawan Kumar got admission in MFA on the basis of BFA and obtained MFA Diploma of two years alongwith normal students in 2012. He spent his valuable 6 years in receiving MFA Diploma which is equivalent to MFA Degree given to normal students who alone obtain MFA Degree in six years. And as per the Recruitment Rules there is no distinction specifically mentioned about MFA with Diploma or Degree and therefore Mr.Pawan Kumar is fully qualified to be appointed as a Drawing Teacher.

4. I have carefully gone through the petition, the Recruitment Rules for the post of Drawing Teacher and page 59 of the prospectus for 2009-2010 published by the College of Art University of Delhi. It may be seen that as per the Recruitment Rules for the post of Drawing Teacher the essential qualification is higher secondary/intermediate certificate and four years full time Diploma. It is also a fact that with a view to facilitating education of Deaf and Dumb students the University of Delhi restructured the curriculum in 1980 and exempted deaf and dumb students from attending theory classes and also made them eligible for admission in the course after secondary school certificate (10th class). It is a matter of concern that the Recruitment Rules for the said post have not been amended even after 35 years much to the disadvantage of the students with disabilities. It is therefore considered necessary to direct the concerned officers of the Directorate of Education Government of NCT of Delhi to look into the matter and get the Recruitment Rules amended so as to bring them at par with the changes in the curriculum etc. The enactment of the Act namely the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act 1995 which contains a provision under section 30 (g) (h) relating to restructuring of curriculum for the benefit of children with disabilities further necessitates that the Recruitment Rules should be appropriately amended at the earliest. In the alternative it is suggested that children with such qualifications may be treated at par with existing teachers in whose case the essential qualification is high school with five years full time Diploma. An Action Taken Report shall be filed within two months and in any case by 1st July 2015.

5. Ordered accordingly.

Given under my hand and the seal of the Court this 22nd day of April, 2015.



[Handwritten signature]
22/4/15

(K.S. Mehra)

Commissioner

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