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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:
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[Vested with powers of Civil Court under the
Rights of Persons with Disabilities Act, 2016]

Case No. 4/1350/2016-Wel./CD/ 5505-06

Dated: 22/02/18

In the matter of:

Sh. Sanjeevan Bharti
RZ-61 A, I Block
West Sagarpur,
New Delhi-110046
sbdelhi46@gmail.com
9312362474

..... Complainant

Versus

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


.....Respondent

Date of Hearing 19.02.2018

Present: None for Complainant
Sh. N. Venkataraman, ASO and Sh. Hari Kishan Sr.
Asstt. on behalf of the Respondent.

ORDER


The above named complainant, a person with 75% locomotor disability vide his complaint dated 27/28.07.2016 submitted that the


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respondent advertised vacancies for the post of TGT vide advertisement No. 02/2012. Three vacancies of TGT (English) Male (Post Code 106/12) were reserved for persons with disabilities (OH-01 VH-02). The Tier-I examination was conducted on 28.12.2014 and he scored 82.05 % marks with Roll No. 42000002. As per the Delhi Subordinate Services Selection Board (DSSSB) Public Notice dated 12.02.2016, he was ranked at 21 in the Open Merit list among all the candidates of all categories and he was the only candidate with disability who qualified in the said examination. During the document verification on 05.02.2016, he was declared not eligible for the reason that he passed CTET after cutoff date. He further submitted that he qualified the elementary stage CTET twice on 23.01.2014 & 09.10.2014, which was before the date of examination.

2. The complainant also cited an order of the Chief Commissioner for Persons with Disabilities dated 21.04.2016 in case No. 4884/1014/2015. In the said Order, CCPD directed the National Institute of Virology, ICMR to consider the appointment of Sh. Dhananjay S. Survase, the complainant in that case to the post of Library & Information Assistant by relaxing the standards.

3. The complaint was taken up with the respondent vide communication dated 12.08.2016 followed by reminders dated 10.10.2016, 29.01.2016. The respondent vide letter dated 16.12.2016 informed that the candidature

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of the complainant was rejected for having qualified CTET after cutoff date. The eligibility of the candidate in all respect including his CTET qualification is required to be decided as on the crucial date i.e. 15.06.2012. Vide another letter dated 12.01.2017, the respondent submitted that the Board was considering the proposal for giving one time relaxation to all such candidates who qualified CTET after the cutoff date but are otherwise eligible in all other aspects so that remaining vacancies in some of the post codes can be filled up where qualified candidates are not available in the corresponding merit list. The case of the complainant would be decided as per the outcome of the decision in the said proposal.


4. The response of the respondent was sent to the complainant for his rejoinder vide letter dated 01.03.2017 which was received back undelivered due to some error in the address. Hearings were thereafter held on 16.11.2017, 18.12.2017 & 29.01.2018. None appeared on behalf of the respondent on those dates.

5. It was observed that the complainant was the only candidate with locomotor disability who was called for document verification. He had qualified CTET examination on 16.02.2014, the result of which was declared on 21.03.2014 and the last date for receipt of applications seeking inclusion of names was 30.08.2014 as per a communication dated 12.08.2014 of DSSSB. Additionally, the complainant would not be eligible

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even for applying for the post in future as he had become overage. In light of these facts, this court advised that if no other person with locomotor disability who had qualified CTET before the cutoff date was available, it would be worthwhile to recommend the complainant for appointment in the light of Para 22 of DoP&T OM dated 29.12.2005 which provides for relaxation of standard of suitability in respect of persons with disabilities vide RoP dated 31.01.2018. As no one appeared on behalf of the respondent on 16.11.2017, 18.12.2017 and 29.01.2018, reason as to why the concerned officers did not comply with the notice of hearing dated 27.10.2017, RoP dated 16.11.2017 and 26.12.2017 was sought and the matter was scheduled for hearing on 19.01.2018.

6. During the hearing on 19.01.2018, the representatives of the respondent submitted a letter dated 16.02.2018 which says that at the time of filing reply dated 12.01.2017, the competent authority of DSSSB was of the opinion to moot a proposal for seeking one time relaxation in date of passing of CTET for all such candidates in general particularly for the post codes, for which there were difficulties in filling up of vacancies due to non-availability of candidates with CTET before cut off date who were otherwise eligible. However, the proposal for grant of relaxation in CTET did not materialise and therefore no candidate was given relaxation. It seems that the suggestion for relaxation has not been examined in


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consultation with the Directorate of Education, which is the indenting Department and the appointing authority. The representative of the respondent submitted that they may be given some time to examine DoP&T's instructions and to consult Directorate of Education for relaxation in date of passing CTET. They also stated that the RoP dated 16.11.2017 was not received by the concerned Branch and therefore, the matter could not be examined.

7. Although DoP&T's instructions of 2005 as well as Para 11 of the latest instructions issued vide OM No. 36035/02/2017-Estt. (Res.) dated 15.01.2018 provide for relaxation of standard of suitability, in the light of the fact that the complainant possessed all the qualifications including CTET before the date of examination and a reserved vacancy for persons with locomotor disability has remained unfilled, it is recommended that DSSSB should refer the matter to Education Department, GNCTD for a sympathetic consideration of complainant for appointment to the post of TGT (English) by relaxing the date of passing CTET. A positive decision to appoint him will also enable Department of Education to fill up a reserved vacancy by a well qualified person with disability. The decision on the recommendation be taken within three months from the date of receipt of this Order and this court be informed as required under Section 81 of the Rights of Persons with Disabilities Act, 2016.


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9. Given under my hand and the seal of the Court this 21st day of February, 2018.



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