

**In the Court of State Commissioner for Persons with Disabilities
National Capital Territory of Delhi
25- D, Mata Sundri Road, Near Guru Nanak Eye Centre, New Delhi.
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. 166/1011/2018/03/9441-42

Dated:22/08/2018

In the matter of:

Sh. Jai Pal Singh,
A-64, F-3, Ramprastha Colony,
Ghaziabad, U.P.-201011.

..... Complainant

Versus

The Director,
Directorate of Education,
Govt. of NCT of Delhi,
Old Secretariat,
Delhi-110054.

.....Respondent

ORDER

The above named complainant vide his complaint dated nil received on 12.03.2018, submitted that his son Sh. Pawan Kumar Singh, a person with 100% hearing impairment applied for the post of Art Teacher (Guest Teacher) for the session 2017-18 through application ID No. 2017120259 in Dte. of Education, South District, New Delhi. He further submitted that Dte. of Education had declared the result and filled 18 vacancies. Out of them, 11 candidates belong to general category, 4 to OBC, 2 to SC and 1 to ST. None of the appointed persons is a person with disability. His son's merit is 18.613 and the last general category candidates's merit is 19.58. No reservation has been given to persons with disabilities. Reservation is being calculated district-wise. As a result, 3% of the vacancies in fractions turn out to be zero. For example, 3% of 18 vacancies in the South District works out to be 0.54 which is being treated as zero instead of one. He

requested that his son should be given a chance for appointment. Vide his letter dated 17.04.2018, the complainant submitted that DOE had notified reservation for persons with hearing impairment for the post of Art Teacher (Guest Teacher) in the website.

2. The complaint was taken up with the respondent vide notice dated 25.05.2018 under the Rights of Persons with Disabilities Act, 2016 herein after referred to as Act, seeking action taken report within 15 days. As there was no response, a hearing was scheduled on 25.07.2018. In the meantime, E-V Branch of DOE vide letter dated 18.07.2018 wrote to Deputy Director of Education, District South to attend the hearing on 25.07.2018. However, none appeared.

3. Vide ROP dated 25.07.2018, it was pointed out by this court that in case No. 4/1631/2017-WEL/CD filed by the complainant, the respondent vide notice dated 08.06.2017 was advised to make a provision in the online application for guest teachers of Drawing Teacher to enable Sh. Pawan Kumar Singh, a person with hearing impairment and other applicants with hearing impairment to apply as the post of **Art Teacher/Instructor** is identified for persons with locomotor disability and hearing impairment as per Ministry of Social Justice and Empowerment notification No.16-15/2010-DD-III dated 29.07.2013. The respondent was therefore directed to inform whether any vacancy was reserved for persons with disabilities in general and persons with hearing impairment in particular and whether Shri Pawan Kumar Singh, son of the complainant was considered against the reserved vacancy for persons with disabilities. The matter was scheduled for hearing on 29.08.2018

4. In the meantime, Deputy Director of Education, District South vide letter dated 03.08.2018 informed that Sh. Pawan Kumar Singh S/o Sh. Jai Pal Singh has been engaged as Guest Teacher (Drawing Teacher) under PH category in Sarvodya Co-ed Vidyalaya (School ID 1719106), Safdarjung Enclave, New Delhi vide order dated 03.08.2018. The

complainant vide his letter dated 06.08.2018 also confirmed that his son Sh. Pawan Kumar Singh has joined on 04.08.2018. He also enclosed the offer of appointment dated 06.08.2018 issued by the Head of School of Sarvodya Co-ed Vidyalaya, Safdarjang Enclave, New Delhi

5. In the light of the positive action by the respondent, the complaint is closed and disposed off accordingly.

6. Given under my hand and the seal of the Court this 16th day of August, 2018.

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