

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

Case No. 789/1011/2019/03/2584-2585

Dated:06.06.2019

In the matter of:

Sh. Girdhari Lal,
President,
Delhi Swasthya Kusht Majdoor Sansthaan,
Village of Hope, Phase-1,
149, Leprosy Complex, Tahirpur,,
Shahdara, Delhi-110085.

..... Petitioner

Versus

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

.....Respondent

Date of hearing: 28.05.2019

Present: Sh. Girdhari Lal, Sh. Vijay Kumar, Sh. Dilshad Ahmed
and Sh. Bhupender on behalf of complainant.

ORDER

The above named complainant, a leprosy cured person vide his complaint dated 05.03.2019 submitted that Leprosy cured persons have been given 1% reservation under PWD Act, 1995 and 4% reservation under RPwD Act, 2016 in recruitment to Group 'C' and Group 'D' posts but they have not been given any assistance.

2. The complaint was taken up with the Dte. of Education under the Rights of Persons with Disabilities Act, 2016, hereinafter referred to as the Act vide show cause cum hearing notice dated 13.03.2019 with the direction to submit para-wise/point-wise comments on the complaint and a hearing was scheduled on 04.04.2019 which was postponed to 28.05.2019.

3. This case was tagged with Suo-motu case No.5/1593/2017-Wel/CD/part file which relates to reservation of vacancies for persons with disabilities in Dte. of Education for hearing. The representatives of Dte. of Education who appeared in the Suo-motu case submitted that another branch of Dte. of Education may be dealing with it. However, appointment to Group 'C' posts including MTS (erstwhile Group D posts) in Dte. of Education is made through Services Department.

4. The complainants submitted a copy of Dte. of Education (Estt.-I Branch) letter No.DE.1(26)/90/E.I/24872 dated 21.08.2019 vide which they had been informed that on notification of vacancies to Employment Exchange for filling up the vacancies in Group 'D' posts, Employment Exchange would be requested to include the names of Leprosy Cured Persons registered with them. In the present scenario, the letter is not relevant as Dte. of Education does not make recruitment to such posts.

5. It is noted that as per Section 34 of RPwD Act, 2016, 4% of the vacancies are to be reserved for persons with disabilities of which 1% vacancies are to be reserved for persons with locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy. Eligible leprosy cured persons would have to apply in response to advertisements for filling up the reserved vacancies in the posts identified for them.

6. This court has already taken up with the concerned Departments of GNCT of Delhi for computing the backlog of reserved vacancies for persons with disabilities and conducting special recruitment drive to fill up backlog, if any. As and when such vacancies are advertised for filling up, the eligible Leprosy Cured Persons can also apply and in case there is any discrimination against them, they can bring the same to the notice of this court. If the complainant wants to request the Govt. of NCT of Delhi for any special treatment for appointment against some posts, they may write to the Pr. Secretary/Secretary of the concerned Department. As this complainant is not against non-implementation of any provision of the Act or discrimination on the ground of disability, the complaint is closed.

7. Given under my hand and seal of the Court this 4th day of June, 2019.

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