

**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. 128/1014/2018/02/8520-21

Dated: 21.06.2018

In the matter of:

Sh. Om Prakash  
S/o Shri Ashok Kumar,  
H.No. 122, Block-29,  
Trilok Puri Delhi-110091

.....Complainant

**Versus**

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

.....Respondent

Date of Hearing: 21.06.2018

Present: Sh. Om Prakash, Complainant in person.  
None for respondent.

**Order**

The above named complainant, a person with 86% locomotor disability in upper right limb and lower left limb vide his complaint dated 22.02.2018 submitted that he applied for the post of Drawing Teacher (Post Code of 208/14) advertised in 2014. He cleared the Tier-I examination conducted on 30.4.2017 and was shortlisted by the DSSSB. After he submitted his documents, a rejection notice no. 213 dated 13.11.2017 was posted in the website of DSSSB for the

reason “not having requisite qualification as per Recruitment Rules”. The complainant further submitted that he has done Bachelor of Fine Art (Painting) from Jamia Millia Islamia, New Delhi in 2008 and as per the advertisement and the Recruitment Rules for the said post, the required qualifications are as under:

- (i) M.A. in Drawing and Painting/Fine Art from a recognized University OR
- (ii) B.A. (Hons.) in Art and Art Education, OR
- (iii) B.A. /B.A. with Drawing & Painting/Fine Art/Art with minimum 2 years full time Diploma from a recognized institution, OR
- (iv) Higher Secondary/Intermediate with minimum 4 years full time Diploma in Painting/fine Art from a recognized institution/University.

2. As he is eligible for the post, he requested that the rejection notice should be withdrawn and Directorate of Education should be directed to issue the appointment letter to him.

3. The complaint was taken up with the respondent vide notice dated 13.03.2018 followed by reminder dated 17.04.2018. As there was no response, hearing was scheduled on 21.06.2018.

4. While none appeared on behalf of respondent, the complainant informed that DSSSB has modified the result declared on 10.11.2017 by including candidates having 4 year BFA degree and his name has been included in the revised result notice no. 251 dated 24.05.2018 through a corrigendum dated 29.05.2018. He also submitted a copy of revised result notice no. 251 which inter-alia says that after the declaration of the result on 10.11.2017, some of the candidates approached the Directorate of Education for considering their BFA qualification as equivalent to be a B.A. (Hons.) in Art and Art Education

and thereby making them eligible for the post of Drawing Teacher. The Directorate of Education has now intimated that candidates having 4 years BFA qualification are to be considered to be having B.A. (Hons.) in Art and Art Education as per the judgement of Hon'ble High Court of Delhi in WP (C) no. 7263/2007 in the matter of Nirmala and ors. Vs. GNCTD.

5. The complainant also informed that some candidates approached Hon'ble Central Administrative Tribunal, Principal Branch, New Delhi. The result of some candidates including his result has been stayed. Consequently, he has not been issued appointment letter from Directorate of Education. The next date of hearing is 22.06.2018.

6. As the complainant has been selected for the post of Drawing Teacher in Directorate of Education, the complaint is disposed off. However, the respondent and the complainant are advised to inform the Hon'ble CAT about the fact that the complainant has been appointed against reserved vacancies for persons with disabilities and his appointment has already been delayed and request for vacation of the stay on the result of the complainant.

7. Given under my hand and the seal of the Court this 21<sup>st</sup> day of June, 2018.

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