

**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: [comdis.delhi@nic.in](mailto:comdis.delhi@nic.in)  
[Vested with powers of Civil Court under the  
Rights of Persons with Disabilities Act, 2016]**

**Case No.575/1031/2018/10/12546-12547**

**Dated: 26/11/2018**

**In the matter of:**

**Ms. Jyoti**

D/o Sadhu Ram,  
RZF-133, Gali No.4, Mahavir Enclave,  
New Delhi – 110045.

**.....Complainant**

**Versus**

**The Director,**

State Council of Educational  
Research & Training,  
Varun Marg, Defence Colony,  
New Delhi – 110024.

**.....Respondent**

Present: Ms. Jyoti, Complainant  
Sh. Sushil Kumar, S.O. and  
Sh. Gopal Sharma, Sr. Asstt., on behalf of respondent

Date of hearing: 26.11.2018

**ORDER**

The above named complainant, a person with 100% locomotor disability due to Pott's paraplegia in relation to her spine, vide her complaint dated 30.10.2018 submitted that she applied for admission to D.El.Ed. in an institute of SCERT/DIET/Pvt. Institute, online through a cyber cafe. The cyber cafe operator due to lack of knowledge opted for only one college i.e. Drishti Institute, where she was not selected. She further submitted that she came to

know from the website of SCERT that some reserved seats for persons with disabilities are still vacant in Drishti Institute/M.R. Bharti College of Education and BRMT College. She requested that she may be given admission in any one of the said colleges.

2. As the complainant had not enclosed a copy of her disability certificate, she was advised to do so which she did on 30.10.2018 and her complainant was taken up with the respondent vide letter dated 02.11.2018 under the Rights of Persons with Disabilities Act, 2016, hereinafter referred to as the Act.

3. The complainant alongwith her father Sh. Sadhu Ram appeared before me on 20.11.2018 alongwith a copy of the reply dated 20.11.2018 of the respondent. As per the said reply, seats for persons with disabilities were reserved in accordance with the provisions in the Act. However, as the complainant had given only one choice of institute i.e. Drishti Institute of Education, the reserved seat in that college was allocated to the candidate with higher merit than the complainant. In view of the terms and conditions for admission mentioned in the prospectus, 2018, the complainant could not be offered admission.

4. In view of the fact that the academic session has already commenced in the month of August, 2018 and the classes have also started, the matter was scheduled for urgent hearing on 26.11.2018 under Section 82 of the Act.

5. During the hearing on 26.11.2018, the representatives of the respondent reiterated their written submissions and stated that though some seats reserved for persons with disabilities are vacant, yet the complainant could not be offered admission as she had opted for only one institute. They also clarified that 85% of the seats are for candidates from Delhi and 15% for candidates outside Delhi. All the reserved seats in Drishti Institute for

candidates from Delhi had been filled up by the candidates with disabilities who were higher in merit than the complainant. One seat reserved for candidates from outside Delhi is vacant. Reserved seats for persons with disabilities from Delhi are also vacant in other institutes including M.R. Bharti College of Education and BRMT College. However, the complainant can not be considered at this stage as the same would not against the conditions mentioned in the prospectus.

6. It transpired during the hearing that the father of the complainant is an illiterate person who earns his living out of operating rikshaw. As per him, Ms. Jyoti is his only child whom he wants to equip with good education. Due to the circumstances of the complainant and her family, she could not learn computer and therefore had to depend upon cyber cafe operator to apply for admission online. It is also learnt that some candidates have been admitted to D.El.Ed. course as late as in October, 2018. As the prospectus is published only in English which is available only in the website of SCERT, the mistake in filling up the online application could be overlooked and it will be in the interest of justice and a legitimate gesture to facilitate enjoyment of the rights of the complainant and admit her to the D.El.Ed. course against a vacant seat reserved for persons with disabilities at the earliest and in an institute most convenient to her as she has lot of difficulty in movement. Therefore, there is a reasonable ground for relaxation of the condition in the prospectus especially when the reserved seats for persons with benchmark disabilities have remained vacant, which can not be carried forward. In the facts and circumstances of the case, following recommendations are made:-

- (i) The complainant be admitted in D.El.Ed. course within one week from the date of the receipt of this order in an institute closest to her residence against a reserved seat for persons with disabilities irrespective of whether it is for the candidates from Delhi or outside as otherwise the seat would remain

vacant, there being no possibility of any candidate from outside Delhi claiming admission at this stage.

- (ii) In future, the seats reserved for persons with benchmark disabilities should be kept open for them until the last counselling/attempt to fill the seats and all efforts should be made to fill all the reserved seats for them and where necessary, by providing reasonable accommodations which may include relaxations etc. so that all the seats reserved for persons with disabilities are utilised.
- (iii) Appropriate measures be also taken to make the admission process smooth right from availability and accessibility of prospectus to the persons with benchmark disabilities to the stage of admission.

7. Action taken be intimated to this court and the complainant as required under Section 81 of the Act.

8. The complaint is disposed of with the above recommendations.

9. Given under my hand and the seal of the Court this 26<sup>th</sup> day of November, 2018.

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