

**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.  
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. 101/1040/2018/02/7319-21**

**Dated: 17.05.2018**

**In the matter of:**

Sh. Saurabh,  
15, Village-Lampur,  
Narela, Delhi-110040.

..... **Complainant**

**Versus**

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

.....**Respondent No.1**

The Dy.Commissioner of Police (Shahdara District),  
New Seelampur, Shahdara,  
New Delhi-110032.

.....**Respondent No.2**

**Date of hearing:** 10.05.2018

**Present :** Sh. Saurabh, complainant.  
Sh. Ashish Mohan, Jt. Secretary, Sh. Sukhbir Singh,  
S.O. on behalf of respondent No.1

### **ORDER**

The above named complainant, a person with 45% locomotor disability vide his complaint received on 30.01.2018, submitted that he

appeared in type-writing test on 04.01.2018 conducted by Delhi Subordinate Services Selection Board (DSSSB) at Bhai Parmanand Institute of Business Studies, Shakurpur. His height is short and therefore the chair provided at the Institute was not of appropriate height for him to be able to type properly. He requested for a raised chair but the Invigilator did not provide. As he did not want to disturb other candidates, he was forced to take the test with lots of difficulties and had to type by bending his back and had to abandon typing test before time. He further stated that as advised by the Controller, he submitted a representation but he was not given a receipt for it. Therefore out of apprehension, he filed a complaint with the Police Station also.

2. The complaint was taken up with the respondent vide communication dated 13.02.2018 under the Rights of Persons with Disabilities Act, 2016 hereinafter referred to as the Act and a hearing was held on 10.05.2018. During the hearing, the complainant who was accompanied by his father, reiterated his written submissions and added that although he did not request for a raised chair in advance, he informed the invigilator immediately before the typing test commenced. He was asked during the hearing to type on the laptop and it was observed that he needs the key board almost at the height of his knees. Therefore, it may not have been possible for him to type efficiently as admittedly the furniture provided for typing test was of standard size.

3. Reiterating the written submissions dated 04.05.2018, the representatives of the respondent No.1 added that the result of type-writing test is being processed and shall be declared soon. Therefore, it was not possible to take any action in the matter.

4. Section 3(5) of the Act provides that *“The appropriate Government shall take necessary steps to ensure reasonable accommodation for persons with disabilities”*. Denial of reasonable accommodation amounts to discrimination as per Section 2(h) of the Act which reads as, *“discrimination” in relation to disability, means any distinction, exclusion, restriction on the basis of disability which is the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field and includes all forms of discrimination and denial of reasonable accommodation”*.

5. Despite the fact that complainant did not inform his specific requirement in advance, Centre Superintendent could have made some arrangement to enable the complainant type comfortably and thus eliminated the element of discrimination.

6. Be that as it may, if the complainant is not successful in the type-writing test held on 04.01.2018, it is recommended that the respondent should give him an opportunity to re-appear in the type-writing test with appropriate furniture as per his requirement. DSSSB may also consider making a provision in the application form so that the candidates with disabilities can indicate their specific needs, which should be provided.

7. Action taken in the matter be intimated to this Court within 3 months from the date of receipt of this order as required under Section 81 of the Act.

8. The complaint is disposed off.

9. Given under my hand and the seal of the Court this 17<sup>th</sup> May,  
2018.

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