

**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, Email: comdis.delhi@delhi.gov.in**

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

Case No.2374/1040/2021/09/4865-66

Dated: 20-04-22

In the matter of:

Ms. Anju Sharma,
D/o Sh. M.R. Sharma,
WZ-1095, Street No. 10,
Sadh Nagar, Palam Colony,
New Delhi-110045.
(Email: anjusharmamca@yahoo.co.in)

.....**Complainant**

Versus

The Chairman,
Delhi Subordinate Services Selection Board
FC-18, Institutional Area, Karkardooma,
Delhi-110092.
(Email: chairmandsssb.delhi@nic.in)

..... **Respondent**

Date of hearing: 19.04.2022

Present: Ms. Anju Sharma, Complainant

Sh. V.P. Jha, Deputy Secretary (Exam) and Sh. K.K. Singh,
Section Officer (Exam), DSSSB, on behalf of respondent

ORDER

The complainant, a person with 65% locomotor disability, filed a complaint dated 17.09.2021, under the Rights of Persons with Disabilities Act 2016, hereinafter referred to as the Act. The complainant vide her complaint submitted that she applied against the vacant post of TGT (English) (Female) as advertised by the DSSSB vide their Advertisement No. 03/21 published on 27.05.2021. It was further submitted that the venue of aforesaid examination centre allotted to her was far away and due to heavy traffic jam and water logging, she could not

reach the examination centre on time and therefore could not appear for the examination. The complainant requested this Court to direct the respondent for re-conducting the said examination in a time bound manner.

2. The matter was taken up with the respondent vide letter dated 29.09.2021 followed by reminders dated 25.10.2021 and 09.03.2022. The respondent vide its reply dated 16.10.2021 submitted that online CBT examination for the said post was conducted on 14.09.2021 in 03 shifts and the exam of the complainant was scheduled in 1st shift (08:30 AM to 10:30 AM). In the instructions for the candidates, in the admit card, it was clearly mentioned that the entry of the candidates to the examination centre will be closed at the end of the gate closing time as mentioned in E-admit card. No candidate was allowed to enter the examination centre after end of reporting time. Further, to ensure campus and network security and avoiding any malpractice, late entry of candidate was disallowed by the Board. It was further, submitted that the admit card of the candidate revealed that she applied under UR category and accordingly she was not allotted centres designated for PH candidates. Rain is a natural phenomenon. Water lodging/potholes/heavy traffic jams on road are beyond the control of DSSSB. Further, all other candidates including several PwDs took the examination, besides there was no provision to conduct any repeat examination. Therefore, it is undesirable to relax any condition in recruitment examination for one person or a small group.

3. Vide rejoinder dated 23.11.2021, the complainant expressed disagreement with the reply of the respondent and reiterated her submissions. Further, she submitted that she applied under UR category because the option for PwD category was de-activated by DSSSB in the application form. The responded vide letter dated 15.12.2021 was directed to submit comments on some points.

4. The respondent vide letter dated 12.03.2022 submitted comments on the main three points as under:-

- (i) The post of TGT English-Female under post code 51/21 was identified suitable for the PwD candidates for the category VH(Sub-category LV. B) & OH (Sub- Category OL, BL, OAL, OA). As per OARS details available, 76 PH candidates have applied in that category. As per OARS, the complainant had applied in both the post codes 40/21 & 51/21 by obtaining benefit of age relaxation in FTGT (Female TGT) sub-category and now is claiming that the option for applying in PwD category was kept deactivated in application form by the DSSSB. In this regard, as per report received from NIC vide email dated 09.02.2022 has confirmed that the option to apply in PH sub-category was available in application form on 01.07.2022 on the day complainant applied for the said post code. Some female applicants as per OARS had successfully applied in PH (OH) subcategory on 01.07.2021.
- (ii) As per record, Online Exam of complainant was scheduled on 14.09.2021 in the first shift (08:30AM to 10:30 AM) at centre Edisto Online Solutions, Near Mundka Metro Station, Mundka, Delhi. **In the first shift of exam on 14.09.2021, Two centres i.e. iON Digital Zone iDZ 1 GT Karnal Road (TC Code-7937) and iON Digital Zone iDZ 2 GT Karnal Road (TC Code- 7938) were designated for PH Candidates.** The details of the appeared candidates in PH category on these centres are as under:

S. No	TC Name	No. of allotted candidates	No. of appeared candidates	%
1.	iON Digital Zone iDZ (TC-7937)	37	23	62.16%
2.	iON Digital Zone iDZ (TC- 7938)	39	22	56.40%

Further, being confidential matter, the Roll No. and Category of PH candidates could not be disclosed at this stage as the final result of

the post code has not been declared so far. Moreover, it is also to mention here that as per the admit Card of the candidate, it reveals that she had applied under UR category, accordingly she was treated as normal candidate and not allotted the centre designated for PH Candidate.

- (iii) The online exam of DSSSB is being conducted by EdCIL (India) Ltd. as per MOU signed between DSSSB & EDCIL. The centres for the examination are being selected by EdCIL in consultation with DSSSB. Further, directions are issued to the agency to ensure proper facility for PH candidates in accordance with directions of Govt. issued from time to time in this regard.

5. Upon considering the replies submitted by the respondent and rejoinder by the complainant, a hearing was scheduled on 19.04.2022 in the matter.

6. During the hearing, complainant and the representative of respondent reiterated their submissions. It was brought to the notice by the complainant that DSSSB Officials do not respond and co-operate with PwDs for any clarification, or approach for any problem in filling up the form etc. It was submitted by the respondent that to maintain confidentiality, candidates are not allowed inside the DSSSB premises.

7. The complainant also alleged that while filling up the form she could not apply in the PH (Sub category) as it was not available in the system while representative of respondent clarified that this aspect was duly checked from NIC and found that the system was correct and the provision of PH (Sub category) was in existence. To prove the same, the respondent submitted that a similar PwD candidate who was two years elder to the complainant had applied for the same post under PH (Sub category) on the same date on which the complainant applied. This clarification and proof was duly brought to the notice of the complainant.

8. After considering the submissions of the complainant & respondent and due deliberations and discussion, the Court observed that the request of the complainant for re-conducting the said examination cannot be acceded to.

It was further recommended as under:-

- (i) The respondent should find the solution to these types of problems wherein a PwD candidate is able to redress any genuine grievance or problem. Towards the same, DSSSB is advised to nominate and appoint a Grievance Redressal Officer (GRO) immediately to deal with the grievance of PwDs and the details be circulated for information of PwDs, as per the RPwD Act, 2016.
- (ii) It was brought out by the representative of the respondent that there is likelihood of examination of TGT in various languages which will be advertised in near future. It was directed that a special endeavour is to be made by the Department to intimate the complainant so that she is not left out and the online system should be re-checked by the IT branch of the respondent that it is full proof and proper guidelines to that effect should be widely circulated for the information of candidates. A provision be kept for a special window for PwDs to sort out any type of issue regarding problem in filling up the online form etc.

9. The case is closed with the above recommendations and action taken be intimated to this court within 3 months from the date of receipt of this order as required under section 81 of the Act.

10. Given under my hand and the seal of the Court this 20th day of April, 2022.

(Ranjan Mukherjee)
State Commissioner for Persons with Disabilities