

**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-110002
Phone: 011-23216003-04, Telefax: 011-23216005, Email: comdis.delhi@nic.in
[Vested with powers of Civil Court under the Rights of Persons with
Disabilities Act, 2016]

Case No.2206/1011/2021/05/1204-1207

Dated: 11-08-21

In the matter of:

**Sh.Ajay Kumar Sharma
24, Radha Nagarm Buland Shehar
Uttar Pradesh-203001
Email:uannti2014@rediffmail.com**

.....Complainant

Versus

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

..... Respondent No.1

**The Director
Directorate of Education
GNCT of Delhi
Old Secretariat
Delhi-110054**

.....Respondent No.2

**The Secretary
Department of Women and Child Development
(Government of NCT of Delhi)
Mahrana Pratap ISBT Complex,
Kashmere Gate, Delhi-110006**

..... Respondent No.3

DOH: 10.08.2021

**Present: Sh. Neeraj Kumar Sharma, Brother of complainant Sh. Ajay Kr.
Sharma.**

Sh. Biju Raj E, Dy.Secretary, DSSSB appeared on behalf of respondent No.1,
Sh. S.Nand Kumar, SO appeared on behalf of respondent No. 2.
Sh. K.S. Sehrawat, Dy.Director(WCD) appeared on behalf of respondent No. 3

ORDER

The above complainant Sh. Ajay Kumar Sharma, a person with 48% hearing impairment vide his complaint dated 13.05.2021 alleged that the DSSSB advertised the post of Trained Graduate Teacher (Natural Science) (Male) post Code 35/21 and Counsellor, post code 45/21, wherein no reservation was kept for persons with hearing impairment. The said advertisement was not in accordance with the latest notification dated 04.01.2021 issued by the M/o of Social Justice and Empowerment. Thus it was requested for an appropriate corrigendum to be passed in the matter enabling him to apply for the above posts.

2. The matter was taken up with the respondent No. 1, 2 & 3 vide communication dated 18.05.2021 for submission of their comments. A reply was received from Dy. Secy, (DSSSB) on 24.06.2021 vide which it was informed that the Board makes recruitment as per requisitions received from the indenting departments. The indenting department maintains the reservation roster related to all categories including PwD

categories candidates and accordingly sends the requisition to DSSSB. As per requisition dated 26.06.2020 and a letter dated 17.02.2021 for the post of TGT (Natural Science)(Male), Post code 35/21 the indenting department i.e. DOE has identified 42 vacancies for PwD candidates and out of these, 22 vacancies were reserved for PwD (OH) and 20 vacancies for PwD(VH). The user department identified the posts suitable for OH(OL), OH(BL), OH(OAL), OH(OA), VH(LV)and VH(B) persons. Similarly for the post of Counsellor, requisition dated 29.11.2019 was received by the Board from Department of Women & Child Development for filling up of 50 vacancies. Out of these 50 vacancies, indenting Department identified total 02 vacancies for PwD candidates and both these vacancies were reserved for PwD(OH). The User Department identified the post suitable for OH(OL), OH(BL), OH(OA) and OH(LE) persons. Accordingly, DSSSB advertised the vacancies as per requisitions of indenting Departments and as per the indent for reserving posts for PwD categories / sub-categories.

3. To resolve the matter and dispose the petition of the complainant, a hearing was scheduled on 10.08.2021. During the hearing, Sh. Neeraj Kumar Sharma, brother of the complainant Sh. Ajay Kr. Sharma, appeared to present the case as he was ill. Representatives of Respondent No. 1, 2 and 3 were also present.

4. During the hearing, all the parties submitted their respective facts as under:

(i) Complainant reiterated that the persons with HH category should also be given benefit of reservation as per latest notification dated 04.01.2021 issued by M/o Social Justice and Empowerment.

(ii) Representative of Respondent No. 1 reiterated that in compliance of this Court's earlier directions, DSSSB issued necessary instructions to all the Head of Departments vide their letter dated 05.07.2021 to send requisitions for filling up of vacancies strictly in accordance with the notification No. 38-16/2020-DD-III dated 04.01.2021 issued by the Ministry of Social Justice & Empowerment, Govt. of India.

(iii) Representatives of Respondent No. 2 & 3 also submitted their written submissions during the hearing which have been taken on record.

5. After due deliberations and discussion on the case, the court recommends as under:

(i) The Court observed that Respondent No. 2 & 3 have not taken care regarding existing policy relating to reservation for persons with benchmark disabilities while forwarding their requisitions to DSSSB. Thus, Respondent No. 2 i.e. the Directorate of Education is hereby directed to issue a corrigendum to grant reservation to persons with

hearing impairment for the post of Trained Graduate Teacher (Natural Science) Male, Post code 35/21 as per existing provisions of the Rights of Persons with Disabilities Act, 2016 and in accordance with the latest notification dated 04.01.2021 issued by the Ministry of Social Justice and Empowerment, Govt. of India within 15 days from the date of receipt of this order and immediately send it to DSSSB.

(ii) Similarly Respondent No. 3 i.e. the Department of Women and Child Development is also directed to issue a corrigendum for giving reservation to persons with hearing impairment for the post of Counsellor, Post code 45/21 as per existing provisions of the Rights of Persons with Disabilities Act, 2016 and in accordance with the latest notification dated 04.01.2021 issued by the Ministry of Social Justice and Empowerment, Govt. of India within 15 days from the date of receipt of this order and immediately send it to the DSSSB.

(iii) DSSSB is also directed to take further rectifying actions at their end on receipt of corrigendum issued by Directorate of Education and Department of Women and Child Development prior to conduct examinations for the above post codes so that the persons with HH category are not deprived of their entitlements.

6. The case is disposed of.

7. Given under my hand and the seal of the Court this 11th day of August, 2021.

(Ranjan Mukherjee)
State Commissioner for Persons with Disabilities