



सत्यमेव जयते

न्यायालय मुख्य आयुक्त विकलांगजन
COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES
विकलांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities
सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment
भारत सरकार / Government of India

Case No. 4712/1041/2015

Dated: 18.01.2017

In the matter of:

Shri Avinash Shahi, *D700*
Ph.D. Disability Policy Researcher at
Centre for Law and Governance,
Room No. 223, Second Floor, Periyar Hostel,
Jawaharlal Nehru University,
Nw Delhi-110067.

--- Complainant

Versus

University Grants Commission, *D701*
Through Secretary,
Bahadur Shah Zafar Marg,
New Delhi-110002.

..... Respondent No. 1

Central Board of Secondary Education, *D702*
Through Secretary,
Shiksha Kendra, 2, Community Centre,
Preet Vihar, Delhi-110301.

..... Respondent No. 2

Date of hearing : 21.11.2016

Present :

1. Complainant absent.
2. S/Shri Mahesh Kumar, Sr. Statistical Officer, Vikas Meena, Sandeep Tandon, S.O., CBSE and Shri Sanjay Khanna, Lawyer, on behalf of Respondents.

ORDER

The above named complainant filed e-mail complaint dated 02.07.2015 under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the 'Act', regarding violation of Guidelines for conducting written examination for persons with disabilities issued by Ministry of Social Justice & Empowerment, Department of Disability Affairs vide Office Memorandum No.16-110/2003-DD.III dated 26.02.2013 in UGC-NET Examination June, 2015 conducted by the respondents.

2. The complainant has pointed out various irregularities regarding violation of the Guidelines for conducting written examination for persons with disabilities issued by Ministry of Social Justice & Empowerment, Department of Disability Affairs vide Office Memorandum No.16-110/200-DD.III dated 26.02.2013 at the various examination centers of the UGC-NET Examination June, 2015 conducted by Central Board of Secondary Examination. He further pointed out that the provision imposed by the UGC is contrary to the aforesaid Office Memorandum No.16-110/2003-DD.III dated 26.02.2013 issued

.....2/-

by Government of India. He has requested this Court that (i) UGC should be directed to re-conduct NET Examination for those candidates who were arbitrarily denied to appear in the examination. (ii) To ensure that the Office Memorandum No.16-110/2003-DD.III dated 26.02.2013 has been enforced scrupulously in letter and spirit.

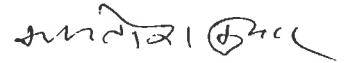
3. The respondent No.1 vide letter No. .CRPD/VKS/PO/2014-15/2038 dated 20.03.2015 addressed to the Executive Director (NET), Central Board of Secondary Education and copy to this Court has informed that NET Bureau of UGC always forwarded all such complaints received from the Court timely to CBSE for taking necessary action. But it has been noticed that NET Bureau has received numerous reminders from the Hon'ble Court regarding non receipt of comments by CBSE. Hence ensure prompt action on the complaints forwarded by Court of Chief Commissioner for Persons with Disabilities. In this case, you are requested to provide the comments on the complaint of Shri Avinash Shahi earlier to Hon'ble Court in order to early disposal of the case.

4. Upon considering the reply dated 08.12.2015 of Respondent No.1, a hearing was scheduled on 21.11.2016.

5. During the hearing on 21.11.2016, no one appeared on behalf of the complainant. Nor any intimation has been received about his inability to attend the hearing despite the fact that the Notice of hearing was sent on 29.09.2016 by Speed Post. The Court noted with serious concern, the utter disregard shown by the Complainant by neither intimating his inability to attend the hearing nor caring to send his version of the case.

6. The representative of the Respondent No.1 submitted reply vide letter No. F.15-4(June, 2013)/2013/(NET) dated 18.11.2016, which was taken on record and submitted that the complaint is not specific about the instance of alleged violation of the Notification F. No.16-110/20-03-DD.III dated 26th February, 2013 issued by the Ministry of Social Justice & Empowerment. It seems the complainant Shri Avinash Shahi unjustifiably wants to cover his own misdeeds by mentioning false complaints and false instances of violation. The respondent-CBSE in its reply has clearly and categorically mentioned that the instances as alleged in the complaint of the complainant, given by e-mail cannot be ascertained with respect to the examination centers mentioned therein. In the Notification, it has been clearly mentioned that a candidate either can have scribe provided by the Examination conducting body or if he chooses to have his/her own scribe then he has to request the concerned Centre Superintendent for the same in writing atleast one week in advance of the test. Further, the guidelines specify that in such circumstances the candidate have to produce his scribe before the concerned Centre Superintendent alongwith his/her certificates of educational qualifications atleast one day before the test. In the present case, the candidate not only refuse to follow the guidelines but also tried to pressurized the examination conducting body by leveling false allegations of violation of the said Notification. There have been no basis for substantiating the claim of the complainant in the light of above submissions.

7. After hearing the respondents and perusal of the record available, this Court is of the view that the complainant has failed to substantiate his complaint of gross violation by the examination conducting bodies. The instances mentioned in the complaint seems to be false in as much as the examination centres cannot be corroborated by the examination conducting bodies. The complainant has further not provided the names of the scribe or the name of the Centre Superintendent who refused. The complainant has also not furnished the information regarding educational qualification of the scribe in the complaint. Last but not the least, the complainant did not appear during the hearing on 21.11.2016. Hence, this Court is of the opinion that the present complaint be closed without any direction to the respondents.



(Dr. Kamlesh Kumar Pandey)
Chief Commissioner
for Persons with Disabilities