



Extra

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. 7228/1041/2016

Dated 10.04.2017

In the matter of:

Ms. Mahenoor Ali,
Email - malispnkvs@gmail.com

R513

.... Complainant

Versus

Human Resource Development Group,
Through: The Head,
CSIR Complex, Library Avenue, Pusa,
New Delhi 110 012
Email : headhrdg@csirhrdg.res.in,
Fax : + 91 - 011 - 2584 0887

R514

.... Respondent No.1

Examination Unit, HRG, CSIR Complex,
Through: The Dy. Secretary,
Opposite-Institute of Hotel Management,
Library Avenue, Pusa, New Delhi-110012
Email - examunit@csirhrdg.res.in

R515

.... Respondent No.2

Date of hearing: 15.02.2017

Present:

1. Ms. Mahenoor Ali, Complainant.
2. Shri J.S. Menon, Section Officer, Examination Unit, on behalf of Respondents.

KC

ORDER

The above named complainant filed e-mail complaint dated 01.12.2016 under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the 'Act', regarding denial of providing (i) Question Paper in large print; (ii) Scribe of her choice i.e. her father Mr. Musharraf Ali will be as the scribe for her; and extra time of 20 minutes for every hour of examination, in the Joint CSIR UGC Test for J.R.F. and Eligibility for Lectureship (NET) which is scheduled to be held on 18.12.2016.

2. The matter was taken up under Section 59 of the Act with the CSIR, Human Resource Development Group and Examination Unit vide this Court's letter dated 06.12.2016.

3. In response to this Court's letter dated 06.12.2016, Deputy Secretary(Exam), Council of Scientific & Industrial Research, Human Resource Development Group, Examination Unit, New Delhi vide letter No.10-2(15)/2016-EU-II dated 08.12.2016 has submitted that question paper in large print cannot be provided at this stage as the same has been already printed and sealed. As per their norms no relation of a candidate is permitted to work as an exam functionary so her father to work as a scribe cannot be granted. Ms. Mahenoor Ali, complainant, may bring a scribe of her own choice who is graduate in Science stream and is not in relation of the candidate and/or she may select scribe from CSIR approved panel of scribe. The compensatory time of 60 minutes in addition to the three hours duration of the exam is being given to all candidates with visual impairment. It has also been intimated that a Notification with regard to; the above was published in the leading newspaper on 10.12.2016 as well as on CSIR HRDG website. Further instruction at Sl. No.5 of the E-Admit Card has been suitably amended.

4. The complainant vide her rejoinder dated 13.12.2016 has submitted that the question paper in large print was not arranged. CSIR, HRDG have shown their inability to provide the question paper in large print. She may not be able to read the question paper properly and thus her answer may be incorrect. Her father was not allowed as the scribe of her choice.

KK

5. Upon considering the reply dated 08.12.2016 received from Respondent No.2 and rejoinder/comments dated 13.12.2016 of the Complainant, a hearing was scheduled on 15.02.2017.

6. During the hearing, the complainant reiterated her written submissions and submitted that a candidate should have the following facilities for the Joint CSIR-UGC Test for JRF and Eligibility for Lectureship (NET) December, 2016:-

- (1) 20 minutes extra compensatory time for each hour of examination.
- (2) Question Paper in large font size.
- (3) Scribe of her choice.

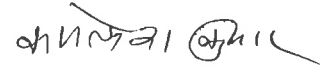
7. Out of the 3, the CSIR has agreed to provide the facilities as mentioned at Sr. No. 1 and 2 and they did not agree for providing the scribe of her own choice

i.e. Mr. Musharraf Ali, the father of the complainant being close relative. This is not agreed to and it is against the guidelines dated 26.02.2013 as per Ministry of Social Justice and Empowerment for conducting written examination for persons with disabilities, Para IV of the said guidelines states that the candidate should have the discretion of opting for his own scribe/reader/lab assistant or request the Examination Body for the same. The examining body may also identify the scribe/reader/lab assistant to make panels at the District/Division/State level as per the requirements of the examination. In such instance the candidates should be allowed to meet the scribe a day before the examination so that the candidates get a chance to check and verify whether the scribed is suitable or not. According to Para V also states that Criteria like educational qualification, marks scored, age or other such restrictions for the scribe/reader/lab assistant should not be fixed. Instead, the invigilation system should be strengthened, so that the candidates using scribe/reader/lab assistant do not indulge in mal-practices like copying and cheating during the examination. The complainant (HRDG) further submitted that the application duly filled in was submitted on 31st August, 2016 for this examination. The concerned authorities may kindly be suitably instructed to ensure to provide examination as laid down in the Govt. Notification vide Ministry of Social Justice and Empowerment's O.M. No.16-110/2003-DD.III dated 26.02.2013 for conducting examination for persons with disabilities.

8. KK The representative of the respondent submitted that question paper in large print could not be provided at that stage as the same was already been printed and sealed. However as per past practice, all candidates with visually impairment, who had requested in their exam applications to provide a scribe, were provided the same. As per their norms, no relative of a candidate was permitted to work as an exam functionary and so the request of the complainant to permit her father to work as a scribe could not be granted. If any candidate wants to use scribe of his/her own choice then he/she may bring scribe who is graduate in Science stream and is not a relation of the candidate. For this purpose the scribe has to bring his/her identity proof as notified by the Govt. of India and proof of educational qualification along with an undertaking that he/she does not possess higher qualification beyond graduation level. The candidate may select scribe OR The candidate may select scribe from their approved panel of scribes either one/two days before the exam after getting confirmation from Delhi Coordinator or on the day of examination at the respective venue of exam with the concerned venue Supervisor/Coordinator. Compensatory time of 60 minutes in addition to the three hour duration of the exam

is being given to all visually handicapped candidates for the Joint CSIR UGC JRF NET exam. Accordingly a notification to this effect is being placed in leading newspapers as well as on CSIR HRDG website. Further instruction at Sr. No. 5 of the e-Admit Card has been suitably amended. The representative further submitted that they changed their application system to get data in large font, scribe etc. but cannot allow father as scribe as per laid down rules for conducting examination. No close relation of a candidate can be a scribe.

9. Upon hearing the parties, the case is disposed off with the direction that the Department of Empowerment of Persons with Disabilities (Divyangjan) has constituted a Committee to review the existing guidelines which are yet to be finalized. The Guidelines for conducting written examination for Persons with Disabilities issued vide OM No.16-110/2003-DD.III dated 26.02.2013 are still in vogue, the same shall be followed strictly.



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