



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. 3448/1040/2015

Dated : 17.08.2016

**In the matter of:**

Shri Vishal Kumar,  
5119, New Vijay Nagar, 0228  
Opp. Saraswati School,  
Rohtak-124001, Haryana

..... Complainant

Versus

University Grants Commission,  
Through : Secretary, 0229  
(Net Bureau) University of Delhi,  
South Campus, Benito Juarez Marg,  
New Delhi-110021.

..... Respondent No.1

Central Board of Secondary Education,  
Through: Secretary, 0230  
Shiksha Sadan, 17, Rouse Avenue,  
New Delhi-110002.

..... Respondent No.2

Assistant Registrar(Conduct)/  
Co-ordinator UGC-NET-72, 0231  
Maharshi Dayanand University,  
Rohtak, Haryana.

..... Respondent No. 3

Professor V.K. Sharma, 0232  
Department of Chemistry,  
Maharshi Dayanand University,  
Rohtak, Haryana.

..... Respondent No. 4

**Date of hearing : 20.05.2016, 13.06.2016**

**Present:**

20.05.2016

1. Complainant absent.
2. S/Shri Mahesh Kumar, Sr. Statistical Officer, UGC & Vikas Meena, UDC, on behalf of Respondent No.1.
3. S/Shri Bhim Singh, SO & Rohtas Kumar, Supdt., CBSE, on behalf of Respondent No. 2.
4. Shri R.S. Ghangul, Supdt., I/C (Conduct) on behalf of Respondent No. 3.
5. Professor V.K. Sharma, Prof. & Head, Chemistry Deptt., MDU, Respondent No. 4

13.06.2016

1. Shri Vishal Kumar, Complainant.
2. S/Shri Mahesh Kumar, Sr. Statistical Officer, UGC & Vikas Meena, UDC, on behalf of Respondent No.1.
3. S/Shri Bhim Singh, SO & Rohtas Kumar, Supdt., CBSE, on behalf of Respondent No. 2.
4. Shri Rajbir Singh, A.R. (Conduct) on behalf of Respondent No. 3.
5. Professor V.K. Sharma, Prof. & Head, Chemistry Deptt., MDU, Respondent No. 4

....2/-

ORDER

The above named complainant, a person with visual impairment filed a email complaint dated 02-01-2015 and the grievance received through PG Portal dated 02.01.2015 under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the Act regarding not providing printed test booklet in UGC NET Exam (Hindi) on 28.12.2014 and humiliated by the Invigilator and Centre Superintendent.

2. The complainant has submitted that he appeared in the UGC NET Exam (Hindi) on 28.12.2014 under Roll No.72200050 at Department of Genetics and Chemistry in Maharshi Dayanand University Rohtak. He had applied under VI category. He has alleged that he was not provided printed test booklet and given only Braille test booklet for Paper-I instead of option with printed test booklet. He cannot read Braille. He requested the Invigilator and the Centre Superintendent for providing the printed test booklet so that he could solve the question with the help of scribe. They denied and told that only Braille test booklet would be provided otherwise he could go. When he tried to lodge a complaint in this regard to Centre Superintendent as well as the other Observers from CBSE and UGC, they did not hear him and asked to get out of the room. When he refused to go without registering the complaint, he was thrown out of the room with the help of peon and he was humiliated. He has also mentioned that the choice between the Printed Test Booklet and in Braille is not asked from a candidate with visual impairment. He has also alleged that the scribe was not paid as per the norms of UGC. He has requested to conduct this examination again also that he could be compensated.

3. The matter was taken up with the respondent vide this Court's letter dated 27.03.2015 for submitting the comments.

4. The respondent No. 1, University Grants Commission vide letter dated 28.04.2015 directed the Joint Director, CBSE to submit their reply directly to this Court.

5. Deputy Secretary, CBSE vide letter dated 07.09.2015 submitted that the Assistant Superintendent of the concerned centre replied that the complainant did not appear in Paper-III of UGC NET December, 2014.

6. A copy of the reply dated 07.09.2015 received from respondent No. 2, Central Board of Secondary Education was sent to the complainant for his comments/rejoinder.

7. The complainant vide his rejoinder dated 24.09.2016 submitted that Shri V.K. Sharma, the Assistant Superintendent was not asked why the complainant was not provided printed booklet instead he was provided question paper in Braille. CBSE/UGC/MDU authorities have ignored this

foremost point. There was no grievance redressal system at the venue of examination as well as in University too. While he was going to complain to the Centre Superintendent, Assistant Superintendent, Shri V.K. Sharma told him that there was direction to provide Braille question paper only. No one at the examination centre accepted the written complaint of the complainant, therefore, complainant put down his grievance on the OMR Sheet. Shri V.K. Sharma not only humiliated and scolded the complainant but threw out of his room along with the scribe and threatened him not to come again. Due to above mentioned careless behavior of the examining authorities at the venue, the time for entry to Paper-III was passed and he was not allowed to enter examination hall. His scribe was not paid the scribe fee. CBSE/MDU not only violated the UGC guidelines but also infringed the rights of a person with disability.

8. The comments/rejoinder submitted by the complainant was forwarded to CBSE with a copy to UGC vide this Court letter dated 28.10.2015 for submission of comments.

9. Dy. Secretary, CBSE endorsed a copy of the letter dated 05.12.2015 to this Court which has been addressed to the Controller of Examinations, CBSE, Haryana stating inter-alia that all Examination Centres of NET December, 2014 were provided the sufficient quantity of normal question papers as well as Braille question papers. So, it is not clear why Shri V.K. Sharma, Assistant Superintendent did not provide the normal question booklet to the complainant on his demand. He has requested to conduct a through inquiry in the matter and submit a detailed report to apprise this Court. In another letter dated 18.12.2015 which has been addressed to the Principal, DAV Centenary Public School, Haryana where the examination of NET June, 2015 was held. It has been requested to verify the details and inform the fact regarding complainant's scribe was not paid the scribe fee.

10. Upon considering the replies dated 28.04.2015, 29.06.2015 and 03.12.2015 from respondent No.1 and replies dated 07.09.2015, 05.12.2015, 18.12.2015 and 16.03.2016 of the respondent No.2 and the rejoinders/comments dated 24.09.2015 and 10.11.2015 from the complainant, a hearing was scheduled on 20.05.2016.

11. During the hearing on 20.05.2016, none appeared on behalf of the complainant. Nor any intimation has been received about his inability to attend the hearing on 20.05.2016 despite the fact that the copy of the Notice of Hearing was sent on 13.04.2016 by Speed post. This Court noted with serious concern, the utter disregard shown by the complainant by neither intimating his inability to attend the hearing nor caring to appear to explain his versions of the case.

12. The representative of the respondent No. 1 (UGC, Net Bureau) submitted that UGC-NET examination was held in December, 2014 which was conducted by CBSE, New Delhi. All the instructions/guidelines of UGC-NET framed by the University Grants Commission were handed over to CBSE at the time of outsourcing of conduct of UGC-NET to CBSE. For persons with disabilities (visually challenged candidates), it was clearly stated that UGC will also provide the Test Booklets of

Paper-I, Paper-II and Paper-III in Braille in those subject only which are printed in English or English and Hindi alongwith usual Test Booklets as provided to other candidates. Moreover, according to expenditure norms of UGC-NET, there is also a provision for paying the remuneration of Rs.1000/- to Scribe for visually handicapped candidates. CBSE was also instructed to make such an arrangement at the Examination Centres so that there may not be any difficulty to any candidate.

13. The representative of the respondent No. 2 (CBSE) submitted that all the Examination Centres of NET December, 2014 were provided the sufficient quantity of normal question papers as well as Braille Questions papers. To provide the printed text booklet to the candidates, it is the duty of the Centre Superintendent. There is no role of the CBSE in this and the main role is of the Centre Superintendent and Invigilators to provide the copy to the candidates. The sitting arrangement of the Braille candidate is done separately with Scribe. The payment of the Scribe is made by the Centre Superintendent in the third Paper.

14. The representative of the respondent No.3 (M.D. University) submitted that at a distance of less than 200 meter, there was a Control Room of the Controller of Examination. No such complainant was made by the complainant at the Control Room. All the instructions of the CBSE were provided to the Centre Superintendent. So far as the payment to the Scribe is concerned, the candidate neither appeared in Paper-III alongwith the Scribe nor he claimed the payment of the scribe. The payment to the Scribe is made during the third paper as per prevailing practice.

15. Prof. V.K. Sharma, respondent no. 4 submitted that the complainant (Shri Vishal Kumar) did not make any complaint with respect to the printed answer sheet for Paper-I to the Invigilator as well as to me. There was also UGC Observer in the Examination Centre. Neither the complaint was made to him nor any such complaint was made to Controller of Examination, Registrar or Vice Chancellor. This can be verified from the Observer of the UGC that any threatening was given to him that "he will be thrown outside."

16. On a specific query whether the complaint made by the complainant was got investigated by the CBSE, the representative of the CBSE was unable to give any reply and sought time. The Court granted 15 days time and directed the Respondent No. 2 (CBSE) to submit the (i) OMR Sheet (ii) Inquiry Report in respect of complaint made by the complainant in his OMR Report. The case was fixed for next hearing on 13.06.2016

17. During the hearing on 13.06.2016, the complainant reiterated his written submissions and submitted that I went to the Examination Centre for giving UGC NET Paper. There I was given only Braille Question booklet while I cannot read Braille. I requested Invigilator to provide me general/printed booklet. He asked me to contact the Superintendent in this connection. I requested the Centre Superintendent for this. Centre Superintendent stated that you have solve the paper from

this Braille booklet otherwise you can go. I came back to the Examination Room where I made my complaint in the OMR Sheet. When the examination was over, I once again met the Centre Superintendent and made my submission. Then Centre Superintendent threatened me and I was shunt out from the Examination Centre through a peon, thereafter I went to the Vice Chencellor's office so that I may be able to report my complaint but at that time, the Vice Chancellor was not in his office and I came back to the Examination Centre where the third Paper was started and I could not get the admission and returned to my home. Thereafter, I made a complaint to this Court. I pray that the guilty persons may be punished and their responsibility may be fixed. I shall be grateful for this act of kindness.

18. The representative of the respondent No. 1 (UGC, Net Bureau) submitted that as per the UGC Guidelines printed booklet and OMR Sheet for Paper-1 and Paper-2 is made available together and no separate OMR sheet is provided for Paper-1 and Paper-2.

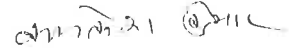
19. The representative of respondent No. 2, Central Board of Secondary Education submitted that the OMR Sheet which is normally inside the booklet. Neither the representative of the CBSE Board made such type of complaint nor the complainant himself made such complaint to the CBSE. The payment which is being demanded by the complainant for his Scribe, that will be paid through Cheque for which the complainant may give the full address of the scribe.

20. Prof. V.K.Sharma, respondent no. 4 submitted that he was not aware that OMR Sheet is attached with the printed booklet. As OMR Sheet is available with the candidate which, inter-alia, indicates that printed booklet was also supplied to the candidate. No such complaint was reported to Invigilators or to the Centre Superintendent or to the UGC Observer. This can be verified from UGC as well CBSE representative as well as Observer.

21. After hearing the parties and perusal of the record on the file, no direction can be given to the parties with regard to the grievance of the complainant Shri Vishal Kumar as the examination was already over. However, CBSE and UGC are directed to specify the instructions in their Guidelines/Brochure for all future examinations. The staff engaged in examination duty should also be sensitized about the needs of the persons with disabilities. The candidates with disabilities appearing in the examination should be allotted Examination Centres which are accessible for them and allowed to sit on the Ground Floor of the examination centre. The CBSE is also directed to pay the scribe fee to the complainant within 15 days of receipt of this order. The instructions regarding payment scribe fee should also be clearly and specifically mentioned in the Guidelines for Examination. The respondent No.3, M.D. University should also be directed to follow the instructions regarding guidelines for conducting all written examinations and others in letter and spirit. The staff posted for

the conduct of examination should be made sensitive about how to deal with the candidates with disabilities during the examination so that they should not feel deprived or harass while sitting in the examination.

22. With the above directions, the case is disposed off.



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