



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.6790/1041/2016

Dated: 26/12/2016

In the matter of:

Ms. Manjit Kaur
C/o Vijay Khokhar
Ward No.1, Near Post Office, Lehragaga
District: Sangrur
Punjab
Email: kmanjit8585@gmail.com

..... Complainant

Versus

Staff Selection Commission
(Through : Secretary)
Block No. 12, CGO Complex
Lodhi Road, New Delhi - 110 003

..... Respondent

Date of hearing : 18/11/2016

Present :

1. None appeared on behalf of the Complainant
2. Shri A. K. Dadhich, Under Secretary, Staff Selection Commission (Respondent)

ORDER

The above named complainant has filed a complaint dated 20/08/2016 (through Email) before the Chief Commissioner for Persons with Disabilities under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as Act regarding denial by Staff Selection Commission (SSC) to allow the Complainant to use her own Scribe in Combined Graduate Level Examination (CGLE) - 2016.

2. The complainant has submitted that Staff Selection Commission vide letter No.10/4/2016/CGLE/EXAM/NWR dated 22/07/2016 has refused to consider her request to use her own Scribe in CGLE - 2016 conducted by SSC (North West Region) on 28/08/2016. Complainant also referred Para IV of the Guidelines for conducting written examination for Persons with Disabilities issued vide Office Memorandum No.16-110/2003-DD.III dated 26/02/2013 which says as under:

"Para IV - The candidates 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 instances the candidates should be allowed to meet

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the scribe a day before the examination so that the candidates get a chance to check and verify whether the scribe is suitable or not."

The Complainant requested this Court to give an advice to Staff Selection Commission to allow her to bring her own Scribe for CGLE - 2016 scheduled to be held on 28/08/2016.

3. The matter was taken up under Section 59 of the Act with the Respondent vide Court's letter dated 26/08/2016 advising them to allow Ms. Manjit Kaur to use the Scribe of her own choice in the CGLE-2016 to be conducted on 28/08/2016.

4. Complainant vide email dated 29/08/2016 informed that Staff Selection Commission has refused to allow her to use her own Scribe during CGLE-2016 held on 28/08/2016.

5. Upon considering the Complainant's email dated 29/08/2016, the hearing was scheduled on 18/11/2016 at 1630 Hrs.

6. Respondent vide letter No.4.10/2016-P&P-1 dated 15/11/2016 (received through email dated 17/11/2016) informed the Court that as per the extant practice followed by the Commission, Scribe was provided by the Centre Supervisor to her during the examination. However, the Commission does not allow the candidates to bring his/her own scribe in the written test conducted by the Commission. This is done to make recruitment fair and transparent and to avoid any possible mal-practice/fraudulence/unfair practice by the candidates. The Scribes provided by the Commission are capable of reading out questions to VH candidates and to mark the responses in accordance with candidate's direction. Besides, it provides sufficient number of scribes to the examination centres that that scribe/reader, in case of emergency can be changed/replaced to avoid any possible problems.

7. During the hearing on 18/11/2016, none appeared on behalf of the Complainant. The representative of the Respondent reiterated their submission made vide letter No.4.10/2016-P&P-1 dated 15/11/2016 that as per the extant practice followed by the Staff Selection Commission, the Commission does not allow the candidates to bring his/her own scribe in the written test conducted by the Commission. He also apprised the Court that Staff Selection Commission has expressed the same views and their concerns in the meetings of Expert Committee constituted by the D/o Empowerment of Persons with Disabilities (Divyangjan) to look into the issues relating to implementation of the guidelines for conducting written examination for persons with disabilities.

8. The Expert Committee constituted by the D/o Empowerment of Persons with Disabilities (Divyangjan) to look into the issues relating to implementation of the guidelines for conducting written examination for persons with disabilities in its meeting held on 10/08/2016 decided that while provision

under Clause IV of the guidelines may be retained. The Committee also felt that there should be some reasonable criteria/restrictions on use of own scribes by the candidates with disabilities so that this provision is not misused and the integrity of the examination is not compromised. The members were requested to submit their views on the criteria/restrictions/qualification of such scribes so that the same could be incorporated in the guidelines at a future meeting.

9. Upon hearing of both the parties, the case is disposed off with the direction that the D/o 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 Office Memorandum 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

