



शिवाजी विद्यापीठ, कोल्हापूर

प्रति,  
मा. प्राचार्य/संचालक,  
सर्व संलग्न महाविद्यालये/मान्यताप्राप्त संस्था,  
शिवाजी विद्यापीठ, कोल्हापूर.

महोदय/महोदया,

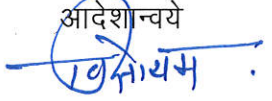
Compliance of order of Hon'ble High Court of Delhi in the matter of Shri Aditya Narayan Tiwari & Anr. Vs Union of India & Anr. - Reg. चे प्रो. रजनिश जैन, सचिव, विश्वविद्यालय अनुदान आयोग, मानव संसाधन विकास मंत्रालय, भारत सरकार, बहादुरशाह जफर मार्ग, नई दिल्ली - ११०००२ यांचे F.No. ६-२/२०१३(SCT) February, २०१९ रोजीचे सोबतचे पत्र माहितीसाठी व आवश्यक त्या कार्यवाहीसाठी जोडले आहे.

कळावे,

सोबत - वरीलप्रमाणे.

संदर्भ क्र. संलग्नता/टी-२/ 268

दि. 5 FEB 2019

आदेशान्वये  
  
(श्री. व्ही. एस. सोयम)  
उपकुलसचिव





ज्ञान-विज्ञान विमुक्तये

प्रो. रजनीश जैन  
सचिव

Prof. Rajnish Jain  
Secretary



सत्यमेव जयते

विश्वविद्यालय अनुदान आयोग  
University Grants Commission

(मानव संसाधन विकास मंत्रालय, भारत सरकार)  
(Ministry of Human Resource Development, Govt. of India)

बहादुरशाह ज़फ़र मार्ग, नई दिल्ली-110002  
Bahadur Shah Zafar Marg, New Delhi-110002

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E-mail : secy.ugc@nic.in

F.No.6-2/2013(SCT)

February, 2019

26 FEB 2019

The Registrar,  
All Universities/Deemed to be Universities

Sub:- Compliance of order of Hon'ble High Court of Delhi in the matter of Shri Aditya Narayan Tiwari & Anr. Vs Union of India & Anr. -Reg.

Sir,

Please find attached herewith a copy of the O.M. No.34-2/2015-DD.III(Pt) dated 1<sup>st</sup> January, 2019 of Ministry of Social Justice & Empowerment, Department of Empowerment of Persons with Disabilities (Divyangjan), New Delhi regarding "Guidelines for conducting written examination for Persons with Benchmark Disabilities". The Hon'ble High Court of Delhi has clarified in the matter as under vide order dated 04.12.2018 (copy enclosed):

"Till the panel of scribes is formed, if any examination is conducted by any of the Department wherein the petitioners and similarly situated persons appear in the exam, the guidelines dated 29.08.2018 shall not be applicable, however, the candidate shall appear in terms of guidelines dated 26.02.2013....."

All Universities are requested to issue appropriate advisory to all examining bodies under their administrative control to make a panel of scribe/ reader/ lab assistant at the District/Divisional/State Level in terms of clause V of the guidelines dated 29/08/2018. **Till the panel of scribes is not formed, any of the Department who are conducting the exam, shall not conduct the exam in terms of guidelines dated 29/08/2018.**

You are requested to take immediate action as per the above order. This OM may also be circulated to the constituent and affiliated colleges and a compliance report may be sent to UGC.

Yours faithfully,

(Rajnish Jain)  
Secretary

Encl: As above.

Pt. Antyodaya Bhawan, 5th Floor,  
CGO Complex, Lodhi Road, New Delhi

Dated 1<sup>st</sup> January, 2019

**OFFICE MEMORANDUM**

**Sub:- Compliance of order of Hon'ble High Court of Delhi in the matter of Shri Aditya Narayan Tiwari & Anr. Vs Union of India & Anr reg.**

In continuation of this Department's O.M. of even number dated 28/11/2018( copy enclosed), the undersigned is directed to say that Hon'ble High Court of Delhi has further clarified in the matter as under vide order dated 04/12/2018 (copy enclosed):

“Till the panel of scribes is formed, if any examination is conducted by any of the Department wherein the petitioners and similarly situated persons appear in the exam, the guidelines dated 29.8.2018 shall not be applicable, however, the candidate shall appear in terms of guidelines dated 26.02.2013.....”

2. All the Ministries/Departments are requested to issue appropriate advisory to all examining bodies under their administrative control to make a panel of scribe/reader/lab assistant at the District/Divisional/State Level in terms of clause V of the guidelines dated 29/08/2018. **Till the panel of scribes is not formed, any of the Department who are conducting the exam, shall not conduct the exam in terms of guidelines dated 29/08/2018.**

Encl: As above

*Dulank*  
(D.K. Panda)

Under Secretary to the Govt. of India & CPIO  
Tel. No. 24369059

To

1. Secretary of all Ministries/Department.
2. Secretary, UPSC, Shahjahan Road, New Delhi.
3. Chairman, SSC, Block No. 12, CGO Complex, Lodhi Road, New Delhi - 110003.
4. Chairman, University Grants Commission with a request to issue necessary instructions to all universities including Deemed Universities for compliance.
5. Chairman, Railway Board.
6. Shri Vijoy Kumar Singh, Joint Secretary (A), Department of Personnel & Training Ministry of Personnel, Public Grievances and Pensions, North Block, New Delhi -110001.

Cont....

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7. All National Institutes and RCI under administrative control of  
Department of Empowerment of Persons with Disabilities (Divyangjan),  
Ministry of SJ&E, New Delhi.

**Copy for information to:** CCPD, Sarojini Bhawan, Bhagwan Dass Road, N.D.

**Copy to:** 1. Shri S.K. Rungta, General Secretary, National Federation of the  
Blind, Plot No. 21, Sector - VI, M.B. Road, Pushp Vihar, New Delhi-  
110017.

2. Director, IBPS, for similar necessary action.

Pt. Antyodaya Bhawan, 5th Floor,  
CGO Complex, Lodhi Road, New Delhi

Dated 21 November, 2018

**OFFICE MEMORANDUM**


**Subject: Compliance of order of Hon'ble High Court of Delhi in the matter of Shri Aditya Narayan Tiwari & Anr. Vs Union of India & Anr reg.**

The undersigned is directed to say that this Department had issued revised guidelines for conducting written examination for persons with benchmark disabilities on 29.08.2018. Clause V of the guidelines inter alia states that the examining body may identify the scribe/reader/lab assistant to make panels at the District/Divisional/State Level as per the requirement of the examination. And in such instances the candidates should be allowed to meet the scribe two days before the examination.

2. Recently, Hon'ble High Court of Delhi in the matter of Shri Aditya Narayan Tiwari & Anr. Vs Union of India & Anr. vide order dated 15/11/2018 has held that no examination of any of the Departments shall be conducted without complying obligations under above said clause V of the guidelines dated 29/08/2018 (copy enclosed).

3. It is requested that all the Ministries/Departments may issue appropriate advisory to all examining bodies under their administrative control to make a panel of scribe/reader/lab assistant at the District/Divisional/State Level in terms of clause V of the guidelines dated 29/08/2018 and in compliance of the Hon'ble High Court of Delhi. Action taken in the matter may be intimated to this Department so that Hon'ble High Court be apprised accordingly in the next hearing to be held on 09/01/2019.

**Encl:** As above

  
(D.K. Panda)  
Under Secretary to the Govt. of India & CPIO  
Tel. No. 24369059

To

1. Secretary of all Ministries/Department.
2. Secretary, UPSC, Shahjahan Road, New Delhi.
3. Chairman, SSC, Block No. 12, CGO Complex, Lodhi Road, New Delhi - 110003.
4. Chairman, University Grants Commission with a request to issue necessary instructions to all universities including Deemed Universities for compliance.
5. Chairman, Railway Board.
6. Shri Vijay Kumar Singh, Joint Secretary (A), Department of Personnel & Training, Ministry of Personnel, Public Grievances and Pensions, North Block, New Delhi 110001.
7. All National Institutes and RCs under administrative control of Department of Empowerment of Persons with Disabilities (Divyangjan), Ministry of SJ&E, New Delhi.

**Copy for information to:** CCPD, Sarojini Bhawan, Bhagwan Dass Road, New Delhi.

**Copy to:** Sri S.K. Rungta, General Secretary, National Federation of the Blind.

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S-33

**IN THE HIGH COURT OF DELHI AT NEW DELHI**

W.P (C) 12222/2018 and CM APPL. 47370-47371/2018

**ADITYA NARAYAN TIWARI & ANR** ..... Petitioners

Through Mr. S.K.Rungta, Sr. Adv. for  
petitioner no.2 with Mr. Shivanker  
Shukla, Adv. and petitioner no.2 in  
person

versus

**UNION OF INDIA & ANR** ..... Respondents

Through Mr. Vivek Goyal, CGSC with Mr.  
Pawan Pathak, Advs. for R-1  
Mr. Jagat Arora and Mr. Rajat Arora,  
Adv. for R-2

**CORAM:**

**HON'BLE MR. JUSTICE SURESH KUMAR KAIT**

**ORDER**

% **15.11.2018**

Pursuant to order dated 14.11.2018, counsel for the respondent no.2 has made appearance and submits that the representation has been considered by the Department of Empowerment of Persons with Disabilities, Ministry of Social Justice & Empowerment and accordingly the Department has clarified to IBPS, Respondent no.2 herein, that the guidelines dated 29.08.2018 are applicable for all the examinations for recruitment for which advertisement is notified on or after 29.08.2018. The guidelines dated 26.02.2013 are applicable for the examinations for which action has been initiated prior to

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15/11/2018  
Court  
Delhi High Court  
New Delhi

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29.08.2018. In the present case, the advertisement was issued prior to 29.08.2018

Since the respondent no.2 has taken the decision that they shall not implement the guidelines dated 29.08.2018 in the examination of Probationary Officers and Management Training to be conducted on 18.11.2018, the prayer for the said purpose is satisfied, at this stage.

Consequently, the necessary changes shall be carried out on the portal of respondent no.2 for the examination which is to be held on 18.11.2018.

For the remaining issues raised in this case, counsel for the respondent no.1 seeks time to file counter affidavit.

Let the needful be done within four weeks from today. Rejoinder thereto, if any, to be filed within two weeks thereafter.

I hereby made clear that no examination of any of the Department shall be conducted without complying obligations under Clause V of guidelines dated 29.08.2018 issued by respondent no.1. Respondent no.1 shall communicate this order to all the concerned Departments for compliance.

Renotify on 09.01.2019.

Order *clasti* under signatures of Court Master.

*-sd-*

SURESH KUMAR KAIT, J

NOVEMBER 15, 2018

gb

*True copy*

*Mandan*

*15/11/2018*

Court Master  
Delhi High Court  
New Delhi



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 12222/2018**

**ADITYA NARAYAN TIWARI & ANR** ..... Petitioners

Through Mr. S.K. Rungta, Senior Adv. with  
Mr. Shivankar Shukla, Mr. Prashant  
Singh and Mr. Siddhart Jain, Advs.

versus

**UNION OF INDIA & ANR** ..... Respondents

Through Mr. Vivek Goyal, CGSC with Mr.  
Pawan Pathak, Adv. for UOI/R-1  
Mr. Jagat Arora, Mr. Rajat Arora and  
Mr. Murad Khan, Advs. for R-2

**CORAM:**

**HON'BLE MR. JUSTICE SURESH KUMAR KAIT**

**ORDER**

% **04.12.2018**

**CM APPL Nos. 50801/2018 and 50752/2018**

By the application No. 50801/2018, applicant / respondent no.2 seek direction thereby to follow the new guidelines dated 29.08.2018 without fulfilling the part of Clause-V which speaks about 'creating Panel of Scribes.

The petitioners have filed CM APPL No. 50752/2018 whereby seek direction directing the respondent no.2 to conduct the examinations for clerical posts scheduled for 9.12.2018 on the basis of the guidelines for use of scribe issued by respondent no. 1 vide file No. 16-110/2003/DD-III dated 26.2.2013 instead of guidelines of 29.08.2018, which is sought to be enforced and further directing

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4/12/18  
Court Master  
High Court of Delhi  
New Delhi

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respondent no.1 to issue clear instructions to all concerned that till such time they are able to put in place of panel of scribes at different levels in terms of requirements of examination in discharge of their obligations under Clause-V of guidelines of 2018, the examinations being conducted by them shall be conducted on the basis of guide lines issued by respondent no.1 on 26.02.2013 till disposal of the present petition.

On 15.11.2018 during the course of hearing, the counsel for respondent no.2 stated that the representation has been considered by the Department of Empowerment of Persons with Disabilities, Ministry of Social Justice & Empowerment and accordingly the Department has clarified to respondent no.2 ie. IBPS that the guide lines dated 29.08.2018 are applicable for all examinations for the recruitment for which advertisement is notified on or after 29.08.2018. The guidelines dated 26.02.2013 are applicable for the examination for which action has been initiated prior to 29.08.2018.

Accordingly, this Court observed in order dated 15.11.2018 that since the respondent no.2 has taken the decision that they shall not implement the guidelines dated 29.08.2018 in the examination of the Probationary Officers and Management Training to be conducted on 18.11.2018, the prayer for the said purpose was satisfied, at that stage.

Consequently, this Court directed that necessary changes shall be carried out on the portal of respondent no.2 for the examination which is to be held on 18.11.2018. It was made clear that no examination of any of the Department shall be conducted without

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High Court of Delhi  
New Delhi

complying obligations under Clause-V of guidelines dated 29.08.2018 issued by the respondent no.1. It is further directed that respondent no.1 shall communicate this order to all the concerned Departments for compliance.

It is not in dispute that the respondent no. 1 has conveyed the directions dated 15.11.2018 passed by this Court.

In the present application No. 50801/2018, the applicant / respondent no.2 has shown its inability to prepare the panel of scribes and therefore, seeks direction to allow the applicant / respondent no.2 to follow the new guidelines dated 29.08.2018.

Learned counsel appearing in CM APPL No. 50752/2018 submits that if the respondent no.2 or any other Department is not able to prepare panel of scribes, then the petitioners and similarly situated persons should be allowed to participate in any of the examination, in terms of guidelines dated 26.02.2013.

Counsel for the respondent no.2 has no objection if such direction is issued till the panel of scribes is formed.

Accordingly, I hereby modify the order dated 15.11.2018 and direct the respondent no.2 to allow the petitioners and other similarly situated persons to have scribes of their choice as per guidelines dated 26.02.2013.

I hereby made it clear that till the panel of scribes is formed, if any examination is conducted by any of the Department wherein the petitioners and similarly situated persons appear in the exam, the guidelines dated 29.08.2018 shall not be applicable, however, the candidate shall appear in terms of guidelines dated 26.02.2013.

Court Master  
High Court of Delhi  
New Delhi

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Accordingly, the respondent no. 1 is directed to issue corrigendum to their letter dated 28.11.2018.

In the corrigendum it would be specifically stated that, till the panel of scribes is not formed, any of the Department who are conducting the exam, shall not conduct the exam in terms of guidelines dated 29.08.2018.

Consequently, the necessary changes shall be carried out on the portal of respondent no.2 for the examination to be held on 09.12.2018 and 30.12.2018.

In view of the above directions, both the applications are disposed of accordingly.

Order *dasti* under signatures of Court Master.

DECEMBER 04, 2018

*gb*

*sel*  
SURESH KUMAR KAIT, J

*H/K/W*  
Court Master  
High Court of Delhi  
New Delhi