File no. EP.1(3)/2016
FOOD CORPORATION OF INDIA
HEADQUARTERS,
16-20, BARAKHAMBA LANE, NEW DELHI.

Dated: 14.01.2019

(Circular No. EP–01-2019-03)

Subject : Arrangement of panel of scribes in the Recruitment of Category III Staff in FCI in compliance of order of Hon'ble High Court of Delhi in the matter of Sh. Aditya Narayan Tiwari & Anr. Vs Union of India & Anr.

Attention is invited to Ministry of Social Justice & Empowerment, Department of Empowerment of Persons with Disabilities (Divyangjan) OM no. 34-02/2015-DD-III(Pt.) dated 01.01.2019 regarding arrangement of panel of scribes in the Recruitment of Category III Staff in FCI in compliance of order of Hon'ble High Court of Delhi in the matter of Sh. Aditya Narayan Tiwari & Anr. Vs Union of India & Anr (copy enclosed).

2. All ED’s / GM’s / Area Managers are requested to bring the contents of this OM to the notice of all officers / officials of FCI for compliance of orders of Hon’ble High Court of Delhi in the matter of Sh. Aditya Narayan Tiwari & Anr. Vs Union of India & Anr in continuation to FCI circular no. EP-01-2018-27 dated 25.10.2018.

This issues with the approval of Competent Authority.

Enclosed : A/A

(Nipun Trikha)
AGM (Estt. Policy)

Distribution :
As per standard mailing list.
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

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....
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.
F.No.34-02/2015-DD-III(Pt)
Government of India
Ministry of Social Justice & Empowerment
Department of Empowerment of Persons with Disabilities (Divyangjan)

Pt. Antyodaya Bhawan, 5th Floor,
CGO Complex, Lodhi Road, New Delhi;
Dated 27 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.

Enc: 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 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, New Delhi.
Copy to: Shri S.K. Rungta, General Secretary, National Federation of the Blind.
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. Shivankar 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
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 dasti under signatures of Court Master.

NOVEMBER 15, 2018

Suresh Kumar Kait, J

True Copy

Nandini
15/11/2018
Delhi High Court
New Delhi.
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, Advvs.

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, Advvs. 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

[Signature]

Court Master
High Court of Delhi
New Delhi
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 guidelines 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
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.
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.

Suresh Kumar Kait, J

DECEMBER 04, 2018

gb

Court Master
High Court of Delhi
New Delhi
F.No. 16-110/2003-DD.III  
Government of India  
Ministry of Social Justice & Empowerment  
Department of Disability Affairs  

***  
Shastri Bhawan, New Delhi  
Dated: 26th February, 2013

Office Memorandum

Subject: Guidelines for conducting written examination for Persons with Disabilities.

The undersigned is directed to say that Chief Commissioner of Persons with Disabilities (CCPD) in its order dated 23.11.2012 in case No. 3929/2007 (in the matter of Shri Gopal Sisodia, Indian Association of the Blind Vs. State Bank of India & Others) and in case No.65/1041/12-13 (in the matter of Score Foundation Vs. Department of Disability Affairs) had directed this Ministry to circulate guidelines for the purpose of conducting written examination for persons with disabilities for compliance by all concerned. In compliance of the above order, this Ministry hereby lays down the following uniform and comprehensive guidelines for conducting examination for the persons with disabilities as recommended by CCPD:-

I. There should be a uniform and comprehensive policy across the country for persons with disabilities for written examination taking into account improvement in technology and new avenues opened to the persons with disabilities providing a level playing field. Policy should also have flexibility to accommodate the specific needs on case-to-case basis.

II. There is no need for fixing separate criteria for regular and competitive examinations.

III. The facility of Scribe/Reader/Lab Assistant should be allowed to any person who has disability of 40% or more if so desired by the person.

IV. 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 instances 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 scribe is suitable or not.
V. 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 malpractices like copying and cheating during the examination.

VI. There should also be flexibility in accommodating any change in scribe/reader/lab assistant in case of emergency. The candidates should also be allowed to take more than one scribe/reader for writing different papers especially for languages.

VII. Persons with disabilities should be given the option of choosing the mode for taking the examinations i.e. in Braille or in the computer or in large print or even by recording the answers as the examining bodies can easily make use of technology to convert question paper in large prints, e-text, or Braille and can also convert Braille text in English or regional languages.

VIII. The candidates should be allowed to check the computer system one day in advance so that the problems, if any in the software/system could be rectified.

IX. The procedure of availing the facility of scribe should be simplified and the necessary details should be recorded at the time of filling up of the forms. Thereafter, the examining body should ensure availability of question papers in the format opted by the candidate as well as suitable seating arrangement for giving examination.

X. The disability certificate issued by the competent medical authority at any place should be accepted across the country.

XI. The word “extra time or additional time” that is being currently used should be changed to “compensatory time” and the same should not be less than 20 minutes per hour of examination for persons who are making use of scribe/reader/lab assistant. All the candidates with disability not availing the facility of scribe may be allowed additional time of minimum of one hour for examination of 3 hours duration which could further be increased on case to case basis.

XII. The candidates should be allowed to use assistive devices like talking calculator (in cases where calculators are allowed for giving exams), tailor frame, Braille slate, abacus, geometry kit, Braille measuring tape and augmentative communication devices like communication chart and electronic devices.

XIII. Proper seating arrangement (preferably on the ground floor) should be made prior to the commencement of examination to avoid confusion or
distraction during the day of the exam. The time of giving the question papers should be marked accurately and timely supply of supplementary papers should be ensured.

XIV. The examining body should also provide reading material in Braille or E-Text or on computers having suitable screen reading softwares for open book examination. Similarly online examination should be in accessible format i.e. websites, question papers and all other study material should be accessible as per the international standards laid down in this regard.

XV. Alternative objective questions in lieu of descriptive questions should be provided for Hearing-Impaired persons, in addition to the existing policy of giving alternative questions in lieu of questions requiring visual inputs, for persons with Visual Impairment.

2. It is requested to ensure that the above guidelines are scrupulously followed while conducting examination for persons with disabilities. All the recruitment agencies, Academics/Examination Bodies etc. under your administrative control may be advised appropriately to ensure compliance of implementing these guidelines. Action taken in this regard may be intimated to this office.

3. The above guidelines are issued with the approval of Hon’ble Minister (Social Justice & Empowerment).

Yours faithfully,

Sd/-

(Jagdish Kumar)
Deputy Secretary to the Govt. of India

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. All National Institutes and RCI under administrative control of Department of Disability Affairs, Ministry of SJ&E, New Delhi