

A.i. Confederation of the Blind and anr. Vs. U.O.i. (Union of India) and anr.

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Court : Supreme Court of India

Decided On : Mar-19-2002

Reported in : 2002(3)SCALE397; (2004)10SCC191; 2002(2)LC934(SC)

Judge : S. Rajendra Babu and; P. Venkatarama Reddi, JJ.

Acts : Person with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 - Sections 32 and 33

Appellant : A.i. Confederation of the Blind and anr.

Respondent : U.O.i. (Union of India) and anr.

Judgement :

ORDER

I.A. No. 4 in W.P. No. 115/1998 :

1. The prayer made in I.A. No. 4 is in relation to the reservation of the identified teaching posts in the Faculties and Colleges of various Universities in terms of Section 33 of the Person with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 for the visually handicapped persons.
2. The counter affidavit filed on behalf of the Chief Commissioner for Persons with Disabilities as set out in the following terms :

'.....3. It is humbly submitted that in pursuance of Section 32 of the Persons with Disabilities Act (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, the appropriate Government (Government of India) has updated the list of identified posts. This list has been issued vide Extraordinary Gazette Notification No. 178 dated 30.6.2001. In this list, the posts of University/College/School Teacher for the blind and low-vision have been listed at Sl. Nos. 24-27 on page No. 592.

4.

5.

6. The Chief Commissioner for Person with Disabilities has taken cognizance of the arrangements provided by the University Grants Commission for persons with disabilities by way of extending 5% relaxation in cut-off marks, appearing in the NET for Junior Research Fellowship and Lecturership. Thus, the arrangement extended by UGC is in consonance with the policy stand taken by Government of India insofar as relaxation in minimum standard is concerned. Relaxation in standards has been favoured only when the candidates belonging to reserved categories are not available on the basis of the general standard to fill all the vacancies reserved for them.

7. The relaxation extended to SC & ST candidates as per Maintenance of Standard 1998 of the Universities, provides for a 5% relaxation from 55% to 50% in the marks obtained at Master's Degree. Since reservation for the disabled is called horizontal reservation which cuts across all vertical categories such as SC, ST, OBC & General. Therefore, all such blind/low-vision persons who belonged to SC, ST vertical category would automatically enjoy the benefit of 5% relaxation at the minimum qualifying marks obtained at Master's Degree level. Thus, only the blind and low-vision belonging to OBC and General categories are deprived of the relaxation of 5% marks at Masters' level.

8. the blind/low-vision and other visually disabled persons belonging to SC & ST category are in any case enjoying the benefit of 5% relaxation in marks obtained at the master's level for appearing in the NET examination conducted by the UGC.

By extending the same relaxation to particularly blind/low-vision and in general all disabled at par with SC & ST disabled would bring parity amongst all persons with disabilities irrespective of their vertical categories.'

3. In view of the stand taken by the Government, nothing survives for consideration insofar as UGC is concerned. The matter shall stand disposed of so far as University Grants Commission is concerned.

I.A. 4 is disposed of accordingly.

4. W.P. No. 115/1998, so far as other aspects of the matter is concerned and W.P. No. 116/1998, C.A. No. 6442/1998. C.A. No. 6443/1998 and W.P. No. 241/2001 are adjourned by two weeks.

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