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W.P(C)No. 115 OF 1998
ITEM No.1

Court No. 3

SECTION PIL
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(Civil) No.115/1998

A.I.CONFEDERATION OF THE BLIND & ANR

Petitioner (s)

VERSUS

U.O.I. & ANR

Respondent (s)

(With Appln(s). for directions) (With Office Report)
With

W.P(C)No.116/1998,W.P(C)No.241/2001,C.A.No.6442/1998,C.A.No.6443/1998

Date : 19/03/2002 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU
HON'BLE MR. JUSTICE P. VENKATARAMA REDDI

For Petitioner (s) Mr. M.C. Bhandare, Sr. Adv.
Ms. C.K. Sucharita, Adv.
Mrs. Laxmi Shurti, Adv.

In appeals Mr. S.M. Jadhav, Adv.
Mr. S.V. Deshpande, Adv.

Dr. J.N. Dubey, Sr. Adv.
M/s Anurag Dubey, Rakesh Taneja,
S.R. Setia, Adv.

For Respondent (s) Mr. Gaurab K Banerjee, Adv.
Mr. Prashant Kumar, Adv.
M/s Sidharth Bhatnagar,
Joseph Pookkatt, Adv.

Ms. Sushma Suri, Adv.

Mr. Ajay K. Agrawal., Adv.
Ms. Alka Agrawal, Adv.
Mr. C Siddharth, Adv.

Mr. Shreekant N. Terdal, Adv.

Mr. Altaf Ahmad, ASG
Mr. K.C. Kaushik, Adv.
Mr. Ashok K Srivastava, Adv.
Mr. P. Parmeswaran, Adv.

Ms. Krishna Sarma, Adv.
M/s Asha G Nair, V.K. Sidatharan, Adv.for
M/s Coporate Law Group

: 2 :

Mr. Naresh K Sharma, Adv.
Mr. V.G. Pragasam, Adv.
Mr. K.H Nobin Singh, Adv.
Ms. Hemantika Wahi, Adv.
Ms. Anil Katiyar, Adv.
Ms. Revathy Raghavan, Adv.
Mr. N Ganpathy, Adv.
Mr. G Prakash, Adv.
Mr. Satish Vig, Adv.
Mr. Jana Kalyan Das, Adv.
Ms. A Subhashini, Adv.
Mr. Rahiv Mehta, Adv.
Mr. Anil Shrivastav, Adv.
Mr. Ranjan Mukherjee, Adv.
Mr. Anil Kr. Tandale, Adv.
Mr. Kumar Rajesh Singh, Adv.
Mr. B.B. Singh, Adv.
Mr. S Ravindra Bhat, Adv.
Mr. Sushil Kr. Jain, Adv.
Mr. M.A. Krishna Moorthy, Adv.
Mr. Indu Malhotra, Adv.
Mr. S.K. Shadilya, Adv.
Ms. V.D. Khanna, Adv.
Mrs. Jayshree Anand, Addl.Adv.G.
Mr. Karunakar Mahalik, Adv.
Mr. Rajeev Sharma, Adv.
Mr. R.S. Suri, Adv.
Mr. S.N. Terdol, Adv.
Mr. P.P. Malhotra, Sr. Adv.
Ms. Sunita Sharma, Adv.
Ms. Indra Sawhney, Adv.
Mr. D.S. Mahra, Adv.
Ms. Vibha Datta Makhija, Adv.
Mr. S.K. Agnihotri, Adv.
Ms. Bharti Tyagi, Adv.
Mr. Ranji Thomas, Adv.
Mrs. K.V. Bharati Updhyay, Adv.
Mr. Javed M Rao, Adv.

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Mr. A Mariarputham, Adv.
M/s Aruna Mathur, Anurag D Mathur,

Adv.

Mr. T.V. Ratnam, Adv.
Mr. K Subba Rao, Adv.

Mr. Ashok Mathur, Adv.
Mr. Arup Banerjee, Adv.

Mr. J.P. Dhanda, Adv.
M/s KP Singh, Raj Rani Dhanda, Adv.

Mr. Ramesh Babu M.R.0 Adv.

UPON hearing counsel the Court made the following
O R D E R

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I.A. No. 4 In W.P. No. 115/1998@@
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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 participaltion) Act 1955 for the visually handicaped persons.

The counter affidavit filed on behalf of the Chief Commissioner for Persons with Disabilities is set out in the following terms :

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"...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.No. 24-27 on page No. 592.

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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 Lectuership. Thus, the arrangement extended by UGC is in consonance with the policy stand taken by Govt. of India in so far 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 & 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."

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In view of the stand taken by the Government, nothing survives for consideration insofar as U.G.C. is concerned. The matter shall stand disposed of so far as University Grants Commission is concerned. I.A. 4 is disposed of accordingly.

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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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Charanjit

[Om Prakash]
Court Master