

IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P. (C) 3411/2012

All India Confederation of the Blind

..... Petitioner

Through Mr.Rajan Mani

Versus

Delhi Subordinate Services Selection Board and Ors **..... Respondent**

Through Ms.Shobhna Takiar for respondent No.2

Mr.Jagdish Sagar for respondents Nos.4, 5 and 6

Ms.Renuka Arora for DSIIDC

Mr.Anil Amrit for NDMC

Mr.Mayank Singh Chauhan for the Delhi Jal Board

Mr.Rajesh Mahajan for DFC.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE RAJIV SAHAI END LAW

ORDER: 01.06.2012

On 30th May 2012 following order was passed:-

The Delhi Subordinate Services Selection Board (DSSSB) has issued advertisement No.01/2011 inviting applications for various posts in autonomous bodies under the Government of NCT of Delhi. In this petition it is pointed out that no reservation is made for the persons suffering from disability on the ground that those posts are not suitable for persons with disability, even when the Ministry of Social Justice and Empowerment vide Notification dated 15.3.2007 has identified those very posts suitable for disabled persons. On this basis, it is argued that the advertisement is in violation of the provisions of Section 32 of the

Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

Notice, learned counsel for the respondents accept notice on behalf of the respondents except respondent no.8. Dasti notice shall be served upon respondent no.8. Counsel for the other respondents seeks time to take instructions.

List on 1st June, 2012.

Copy of this order be given dasti to the counsel for the parties under the signatures of Court Master.

Today, learned counsel appearing for the respondents, except respondent No.8, make a statement conceding that there has been an error in not properly identifying the posts reserved for the disabled as per the Notifications dated 18.1.2007 and 15.3.2007. It is further stated that all these respondents shall send fresh requisition in accordance with the aforesaid notifications and request the DSSSB to issue fresh advertisement.

We appreciate this gesture on the part of these authorities who have realized their mistake and are ready to take remedial steps. We are of the opinion that in a case like this, when the advertisement No.01/2011 was not in accordance with law and no appointments have been made so far against this advertisement, the process already undergone is liable to be scrapped and fresh process should be initiated after appropriate requisition is made by these authorities to the DSSSB identifying the posts suitable for disabled persons in accordance with the notifications dated 18.1.2007 and 15.3.2007.

As far as the respondent No.8 Institute of Human Behaviour and Allied Sciences is concerned, none has appeared despite service. We see no reason as to why the same position be followed by respondent No.8 also.

We direct accordingly.

The writ petition is allowed in the aforesaid terms.

ACTING CHIEF JUSTICE

RAJIV SAHAI ENDLAW, J

JUNE 01, 2012.