

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 4842 / 2017

Akshay Bhatnagar

----Petitioner

Versus

State Of Rajasthan & Ors.

----Respondent



Petitioner(s) : Ms. Shweta Bora

Respondent(s) : Mr. D.D. Chitlangi

HON'BLE MR. JUSTICE ARUN BHANSALI

Order

25/01/2018

By order dated 01.05.2017 it was directed that offline form of the petitioner be accepted and petitioner be allowed to participate in the selection process.

An application has been filed by the petitioner seeking grant of benefit of prompter & scribe while participating in the examination for the post of L.D.C. scheduled to be held on 28.01.2018.

It is, inter alia, indicated in the application that the petitioner is suffering from Autism and is a person with disability in terms of the Act of 2016. The exam is scheduled to be held on 28.01.2018 and petitioner may be permitted to be accompanied by prompter & scribe of his choice.

Learned counsel for the respondent University submitted that the R.P.S.C. Regulations provide that though prompter & scribe can be provided, the qualification of the prompter & scribe should

be less than the minimum education qualification required for the post and as in the present case the minimum educational qualification required is Senior Secondary, the petitioner has to take prompter & scribe of less than the said qualification and that the respondents are prepared to provide the prompter & scribe.

Learned counsel for the respondent University relied on order

Deep Jaiman v. The State of Rajasthan & Anr. : S.B.C.W.P. 4192/2017, dated 24.03.2017.



Learned counsel for the petitioner with reference to the office memorandum dated 26.02.2013 submitted that the guidelines issued by the Ministry of Social Justice & Empowerment,

Department of Disability Affairs clearly provide that criteria like educational qualification, marks scored, age or other such restrictions for the scribe should not be fixed. Instead, the invigilation system should be strengthened, so that the candidates using scribe do not indulge in mal-practices like copying and cheating during the examination and, therefore, the stipulation sought to be made by the respondents being contrary to the office memorandum cannot be enforced qua the petitioner.

I have considered the submissions made by learned counsel for the parties and have perused the material available on record.

The office memorandum/guidelines issued by the Ministry of Social Justice & Empowerment, Department of Disability Affairs for conducting written examination of persons with disabilities are exhaustive in nature and deal with all the circumstances as indicated. Further, the guidelines issued are binding on the Central as well as State Government as laid down by Hon'ble

Supreme Court in *Justice Sunanda Bhandare Foundation v. Union of India & Anr.* : (2014) 14 SCC 382.

So far as order in the case of Kuldeep Jain (supra) is concerned, the said order was passed based on concession.

In view thereof, the application (I.A. No. 677/2018) filed by the petitioner is allowed. The petitioner is permitted to be accompanied by prompter & scribe of his choice in relaxation of criteria like educational qualification, age or other such restrictions, as provided in the memorandum dated 26.02.2013. The respondents would be free to depute an appropriate invigilator to ensure that the petitioner using prompter & scribe does not indulge in mal-practices like copying and cheating during the examination. It will also be open for the respondents to make special sitting arrangement for the petitioner for the purpose of invigilation.

The result of the petitioner be placed in sealed cover and will be subject to outcome of the present writ petition.

(ARUN BHANSALI)J.

A.K. Chouhan/-261