

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**WRIT PETITION NO. 6180 OF 2014**

Shivshankar Shikshan Prasarak  
Mandal, Loha, Nanded .. Petitioner

**Versus**

The State of Maharashtra and others .. Respondents

Shri N. P. Patil Jamalpurkar, Advocate for the Applicant.  
Shri K. G. Patil, Addl.G.P. for Respondent Nos. 1 to 4.  
Mrs. Asha Rasal, Advocate for Respondent Nos. 5 and 6.

**CORAM : S. V. GANGAPURWALA AND  
V. K. JADHAV, JJ.  
DATE : 13TH AUGUST, 2015.**

**PER COURT :**

. Mr. N. P. Patil Jamalpurkar, the learned counsel for the petitioner states that, the petitioner runs Dr. Helen Keller Blind Residential School, Loha, Dist. Nanded from Ist to Xth standards. The syllabus and curriculum of the school is in Braille script. The examination of students of Ist to IXth standard are conducted in Braille script and from March 2015 first batch of Xth standard students of the petitioner school would appear for S.S.C. examination. The learned counsel submits that, the respondent Nos. 5 and 6 Board should make requisite arrangement for conducting examination of such

students in Braille script. Even representation is made to respondent Nos. 5 and 6 boards. According to the learned counsel the provisions of the Persons with Disabilities (Equal Opportunity, Protection of Rights and Full Participation) Act 1995 (hereinafter referred as to the "Said Act" for the sake of brevity) mandates the respondents to take such steps. The learned counsel submits that, the respondents are not showing any interest in implementing the provisions of the said Act. The learned counsel relies on Sec. 18 of the said Act.

2. Mrs. Rasal, the learned counsel for Board submits that, it is not in all schools the education is imparted to the students in Braille script. In fact, school run by the petitioner is not affiliated to respondent boards. As per Sec. 38(2) of the Maharashtra Secondary and Higher Secondary Board Regulations 1977 various concessions and facilities for blind students are provided. The learned counsel submits that, the permission to the petitioner school is from the Commissionerate of the Physically Handicap Welfare Department and a special school is run as per the provisions of the Physically Handicap School Code 1997. The learned counsel submits that, in March 2014 for Xth standard examination there were in all 2467 blind students registered in the schools duly affiliated with the boards in the entire Maharashtra. Out of these 2458 students appeared for examination and 2254 students passed and the percentage of

passing was 91.70%.

3. We had asked the learned Additional Government Pleader to get instructions from the responsible officer and to place on record the steps undertaken as required by Sec. 18 of the said Act. Pursuant thereto affidavit in reply is filed by the Deputy Director of Education thereby detailing the steps undertaken and sought to be taken. It is submitted by the learned Addl. G. P. that various communications have been made. The Government of Maharashtra has contacted National Association for Blind (for short "NAB") which is one of the prominent non government organization working for the welfare of blinds, so also has communicated with the C.B.S.C. Board and some other secondary school examination boards. The response is received from the NAB and suggestions are also received from them. According to the learned Addl. G. P., if the board provides facility of writing examinations in Braille script, it will have to make arrangements for assessment of the same. It will require expert teachers of Braille script either blind or otherwise to assess the answers. The answer sheets in Braille script will have to be maintained with utmost care, so that the dots in Braille scripts are preserved in due course. The NAB has suggested that blinds may be provided with the facility of writing answers in Braille, but the other options also may be kept open like writing answers in bold scripts on their own, unconditional help of writer

assistants, to type the answers on typewriter or computer etc.

4. The learned Addl. G. P. further states that, the Government had called for information from various boards in the country with regard to the facilities provided by them to blind students. As per the information received from C.B.S.C. Board, New Delhi, it is stated that question papers are provided in Braille script in the subject Mathematics and Science for Class X for Summative Assessment for which question papers are provided in Braille script. The candidates have to answer in English or Hindi on computer through a scribe or with the help of screen reading software. The Haryana S.S.C. Board, so also Karnataka and the Chennai S.S.C. Board do not provide facility for blind students in Braille script. One of the schools i. e. Modern College of Special Education Pune had written that printing in Braille is not only expensive, but difficult also as the weight of Braille question papers is heavy, transportation of these Braille question papers is inconvenient. The blind students appearing for SSC examinations appear in different mediums i. e. Marathi, Gujrathi, Hindi, English, Urdu, etc. and it is difficult to develop question papers in different mediums. In the affidavit it has been stated that, the Government is keen regarding the education of students with special needs like blind students and various facilities are also provided as detailed in the affidavit and the Government is seriously thinking of implementation of

suggestions given by the NAB and the State is examining all these aspects and would consider coming out with more modern and benevolent policies keeping in mind various aspects.

5. We have considered the submissions canvassed by learned counsel for respective parties.

6. This Court vide interim order had directed the Board to allow the students of the petitioner school to appear for the examination.

7. The Persons with Disability Act 1995 provides with the complete mechanism and the obligations of the Government, the local authorities to provide the facilities to the children with disabilities. Sec. 18 of the said Act lays down the functions of the said co-ordination committee wherein obligation is cast upon them to advise the State Government of formation of policy, programme, legislation and projects and to take such other steps to ensure barrier free environment in public places, work places, public utilities, schools, etc. Sec. 26 casts duty on the appropriate Government and the local authorities to endeavour to promote setting up of special schools for such students and to equip the special schools for children with disabilities with vocational training facilities. Sec. 28 further requires the appropriate Government to initiate research by official and non

Governmental agencies for the purpose of designing and developing new assistive devices, teaching aids, special teaching material or such other item as are necessary to give a child with disability equal opportunities in education. Sec. 30(f) also cast duty on the appropriate Government to make suitable modification in the examination system to eliminate purely mathematical questions for the benefit of blind students and students with low vision.

8. The said Act has been promulgated as a result of the proclamation on the full participation and equality of people with disabilities in the Asia Pacific Region was adopted and India being signatory to the said proclamation, it was obligatory to enact the suitable legislation, pursuant to which the Disability Act 1995 was enacted. The said Act is benevolent Act meant for creating facilities with regard to various aspects of the persons with disabilities. The Education being one of the important facet, special provisions cast duty on the appropriate Government to take such steps as are detailed. Sec. 26, Sec. 28 and Sec. 30(f) of the said Act require the Government to take such innovative steps so as to facilitate the Education of the blind children.

9. Sec. 30(f) of the said Act requires the appropriate Government to make suitable modification in the examination

system, to eliminate purely mathematical questions for the benefit of blind students and students with low vision. So also Sec. 28 of the said Act requires appropriate Government to make research for the purpose of designing and developing new assistive devices, teaching aids, special teaching materials or such other items as are necessary to give a child with disability equal opportunity in education.

10. Perusing the affidavit in reply filed by the State, it appears that, State is making efforts in that regard. Certain communications are made with various boards, so also the NAB. The NAB has suggested certain steps. The demand of the petitioner for holding examination in Braille script appears to be reasonable and proper. The difficulties are expressed in the affidavit in reply and none of the boards are conducting the examination in all subjects in Braille script. The Government has in the affidavit in reply stated that, the State would come out with modern and benevolent policy keeping in mind various aspects of the matter. It is also assured in the affidavit that , the Government would do the exercise as expeditiously as possible. It is for the Government to take steps in that regard. We hope and trust, the Government would take positive steps in this regard expeditiously considering the fact that, it concerns the special students. We accept the statement made in the affidavit that the Government would come out with more modern

and benevolent policy. We expect the Government would do the same as expeditiously as possible by taking into confidence and suggestions of experts and the Associations working in the said area. The Government should take decision on the said policy expeditiously. The writ petition is accordingly disposed of with aforesaid observations. No costs.

**[ V. K. JADHAV, J. ]**

**[ S. V. GANGAPURWALA, J. ]**

bsb/Aug. 15