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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 16795/2024 & CM APPL. 71075/2024

HARSHDEEP SINGH PUPNEJAPetitioner

Through: Ms. Sarah, Adv.

Versus

DEPARTMENT OF EMPOWERMENT OF PERSONS WITH
DISABILITIES (DEPWD) AND ANR.Respondents

Through: Mr. Syed Abdul Haseeb, CGSC with
Mr. Vishnu Anand, Adv. for R-1.
Mr. Mohinder J.S. Rupal, Mr. Hardik
Rupal and Ms. Aishwarya Malhotra,
Adv. for R-2/Delhi University.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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26.03.2025

1. The present petition has been filed seeking following reliefs:

“A. Direct the Respondent No. 2 to reevaluate the Petitioner’s answer books in light of his disability by developing a suitable modality in this regard.

B. Direct the Respondent No. 2 to make available suitable reasonable accommodations to the Petitioner for his remaining examinations in an individualized dialogue with the Petitioner.”

2. Insofar as the first prayer made in the writ petition is concerned, Mr. Mohinder J.S. Rupal, the learned counsel appearing on behalf of the respondent no.2 submits that the petitioner’s answer books have already



been reevaluated and the result has been communicated to the present petitioner, which position is not disputed by the learned counsel appearing on behalf of the petitioner.

3. Ms. Sarah, the learned counsel appearing on behalf of the petitioner submits that insofar as the prayer to make available suitable reasonable accommodation to the petitioner for his subsequent examination is concerned, necessary directions may be given in that behalf.

4. She submits that the petitioner is entitled for such reasonable accommodation in terms of Section 24 read with Section 3(5) of the Rights of Persons With Disabilities Act, 2016 [hereinafter referred to as 'Act'].

5. In response to the submission of the learned counsel for the petitioner, Mr. Rupal, the learned counsel appearing on behalf of the respondent no.2 university invites attention of the court to the counter-affidavit filed by the respondent no.2, more particularly, para 8 thereof, which reads as under:

“8. It is further submitted that the Petitioner, if he so desires can bring alongwith him a scribe, if the Petitioner is having any difficulty in writing the answer sheets due to medical facility. The Petitioner has never brought to the knowledge to the Faculty of Law, his disability in writing the answer sheet earlier hereto.”

6. He further submits that the petitioner, if he so desires, can be allowed a scribe as per rules.

7. Mr. Syed Abdul Haseeb, the learned counsel appearing on behalf of the respondent no.1/Union of India submits that guidelines for conducting written examinations for persons with benchmark disabilities have been framed *vide* Office Memorandum dated 29.08.2018. He submits that the guidelines articulated in the said office memorandum have also been enumerated in para 7 of the counter-affidavit filed by the respondent no.1,



which reads as under:

- “7. That further, the Department of Empowerment of Persons with Disabilities (Divyangjan) vide its O.Ms dated 29.08.2018 has widely circulated the Guidelines for conducting written examination for persons with disabilities 2018. The Copy of O.M dated 29.08.2018 is enclosed at Annexure-R-I (Page No.6 to 11). These guidelines inter-alia provides the following:
- a. The candidate should have the discretion of opting for his own scribe/reader/lab assistant or request the Examination Body for the same.
 - b. The examining body may also identify the scribe/reader/lab assistant to make panels at the District/Division/ State level as per the requirements of the examination. In such instances the candidates should be allowed to meet the scribe two days before the examination so that the candidates get a chance to check and verify whether the scribe is suitable or not.
 - c. In case the examining body provides the scribe/reader/ lab assistant, it shall be ensured that qualification of the scribe should not be more than minimum qualification criteria of the examination. However, the qualification of the scribe/reader should always be matriculate or above.
 - d. In case the candidate is allowed to bring his own scribe, the qualification of the scribe should be one step below the qualification of the candidate taking examination.
 - e. The procedure of availing the facility of scribe should be simplified and the necessary details should be recorded at the time of filling up of the forms. Thereafter, the examining body should ensure availability of question papers in the format opted by the candidate as well as suitable seating arrangement for giving examination.



- f. *The Persons with benchmark disabilities should be given, as far as possible, the option of choosing the mode for taking the examinations i.e. in Braille or in the computer or in large print or even by recording the answers as the examining bodies can easily make use of technology to convert question paper in large prints, e-text, or Braille and can also convert Braille text in English or regional languages.”*

8. Having regard to the submissions of the parties and the guidelines laid down by the Union of India in respect of conducting written examination for persons with benchmark disabilities, the present petition is disposed of with liberty to the petitioner to approach the authority conducting written examination of the respondent university with a request for suitable accommodation to the petitioner.

9. Needless to say, in case any such request is made by the petitioner, the same shall be considered by the respondent university in accordance with the aforesaid office memorandum dated 29.08.2018 or any other guidelines in vogue at the relevant time.

10. At this stage, Mr. Syed Abdul Haseeb, the learned CGSC appearing on behalf of the respondent no.1/Union of India (UOI) submits that inadvertently his presence was not recorded in the order dated 12.03.2025, though, he appeared and assisted the court on the said date. This position is not disputed by the learned counsel for the petitioner, as well as, the learned counsel for the respondent no.2 university.

11. In that view of the matter, the appearance of Mr. Syed Abdul Haseeb, on behalf of the respondent no.1/UOI shall be read into the order dated 12.03.2025.



12. The petition is disposed of in the above terms. Consequently, the pending application also stands disposed of.

MARCH 26, 2025
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VIKAS MAHAJAN, J