

भारतीय आयुर्विज्ञान परिषद



INDIAN COUNCIL OF MEDICAL RESEARCH

स्वास्थ्य अनुसंधान विभाग, स्वास्थ्य एवं परिवार कल्याण मंत्रालय
DEPARTMENT OF HEALTH RESEARCH (MINISTRY OF HEALTH & FAMILY WELFARE)
V.RAMALINGASWAMI BHAWAN, ANSARI NAGAR, NEW DELHI-110029

संख्या 18/3/2018-प्रशासन-2

दिनांक 21/1/2019

सेवा में,

निदेशक/प्रभारी निदेशक
परिषद के सभी स्थाई केन्द्र

Subject : Compliance of order of Hon'ble High Court of Delhi in the matter of
Shri Aditya Narayan Tiwari & Anr. Vs Union of India & Anr reg.

महोदय/महोदया,

मुझे उपरोक्त विषय पर सामाजिक न्याय एवं अधिकारिता मंत्रालय, विकलांग व्यक्तियों के लिए सशक्तीकरण विभाग, नई दिल्ली द्वारा जारी कार्यालय ज्ञापन एफ संख्या 34-02/2015-डीडी-111 (पीटी), दिनांक 1 जनवरी, 2019 सूचनार्थ एवं आवश्यक कार्रवाई हेतु भेजने का निदेश हुआ है।

भवदीय,

(अग्नेस खलखो)
सहा. महानिदेशक

अनुलग्नक-उपरोक्त

प्रतिलिपि:-

1. निजी सचिव, महानिदेशक/अपर महानिदेशक/वरि.उपमहानिदेशक/वरि. वित्त सलाहकार
2. तकनीकी प्रभागों के प्रमुख
3. सहा. महानिदेशक - (प्रशासन)(अ.ख.)/(आर.आर.)
4. अनुभाग अधिकारी, प्रशासन-1/कार्मिक अनुभाग
5. डॉ. चंचल गोयल, वैज्ञानिक डी वेबसाइट अपलोड के लिए आपकी ईमेल आईडी (drcgicmr@gmail.com) पर इसकी सॉफ्ट कॉपी को मेल किया गया है।

Pt. Antyodaya Bhawan, 5th Floor,
CGO Complex, Lodhi Road, New Delhi

Dated 1st January, 2019

DO, ICMR OFFICE

DIARY NO... 553398

DATE: 8/1/2019

OFFICE MEMORANDUM

Sub:- Compliance of order of Hon'ble High Court of Delhi in the matter of Shri Aditya Narayan Tiwari & Anr. Vs Union of India & Anr reg.

In continuation of this Department's O.M. of even number dated 28/11/2018(copy enclosed), the undersigned is directed to say that Hon'ble High Court of Delhi has further clarified in the matter as under vide order dated 04/12/2018 (copy enclosed):

“Till the panel of scribes is formed, if any examination is conducted by any of the Department wherein the petitioners and similarly situated persons appear in the exam, the guidelines dated 29.8.2018 shall not be applicable, however, the candidate shall appear in terms of guidelines dated 26.02.2013.....”

2. All the Ministries/Departments are requested to issue appropriate advisory to all examining bodies under their administrative control to make a panel of scribe/reader/lab assistant at the District/Divisional/State Level in terms of clause V of the guidelines dated 29/08/2018. **Till the panel of scribes is not formed, any of the Department who are conducting the exam, shall not conduct the exam in terms of guidelines dated 29/08/2018.**

Encl: As above

9/1/2019
ADG (RES)

D.K. Panda
(D.K. Panda)

Under Secretary to the Govt. of India & CPIO
Tel. No. 24369059

Sr. AAY(A)

To BZ 8/1/19

1. Secretary of all Ministries/Department.
2. Secretary, UPSC, Shahjahan Road, New Delhi.
3. Chairman, SSC, Block No. 12, CGO Complex, Lodhi Road, New Delhi - 110003.
4. Chairman, University Grants Commission with a request to issue necessary instructions to all universities including Deemed Universities for compliance.
5. Chairman, Railway Board.
6. Shri Vijoy Kumar Singh, Joint Secretary (A), Department of Personnel & Training Ministry of Personnel, Public Grievances and Pensions, North Block, New Delhi -110001.

DO (A-1)
CP
14/1/19

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15/1/19
15/1/19

Sd/- (Legal Cell) 11/1/2019

Cont....

7. All National Institutes and RCI under administrative control of Department of Empowerment of Persons with Disabilities (Divyangjan), Ministry of SJ&E, New Delhi.

Copy for information to: CCPD, Sarojini Bhawan, Bhagwan Dass Road, N.D.

Copy to: 1. Shri S.K. Rungta, General Secretary, National Federation of the Blind, Plot No. 21, Sector - VI, M.B. Road, Pushp Vihar, New Delhi-110017.

2. Director, IBPS, for similar necessary action.

Government of India
Ministry of Social Justice & Empowerment
Department of Empowerment of Persons with Disabilities (Divyangjan)

Pl. Antyodaya Bhawan, 5th Floor,
CGO Complex, Lodhi Road, New Delhi
Dated 23 November, 2018

OFFICE MEMORANDUM

Subject: Compliance of order of Hon'ble High Court of Delhi in the matter of Shri Aditya Narayan Tiwari & Anr. Vs Union of India & Anr reg.

The undersigned is directed to say that this Department had issued revised guidelines for conducting written examination for persons with benchmark disabilities on 29.08.2018. Clause V of the guidelines inter alia states that the examining body may identify the scribe/reader/lab assistant to make panels at the District/Divisional/State Level as per the requirement of the examination. And in such instances the candidates should be allowed to meet the scribe two days before the examination.

2. Recently, Hon'ble High Court of Delhi in the matter of Shri Aditya Narayan Tiwari & Anr. Vs Union of India & Anr. vide order dated 15/11/2018 has held that no examination of any of the Departments shall be conducted without complying obligations under above said clause V of the guidelines dated 29/08/2018 (copy enclosed).

3. It is requested that all the Ministries/Departments may issue appropriate advisory to all examining bodies under their administrative control to make a panel of scribe/reader/lab assistant at the District/Divisional/State Level in terms of clause V of the guidelines dated 29/08/2018 and in compliance of the Hon'ble High Court of Delhi. Action taken in the matter may be intimated to this Department so that Hon'ble High Court be apprised accordingly in the next hearing to be held on 09/01/2019.

Encl: As above


(D.K. Panda)

Under Secretary to the Govt. of India & CPIO
Tel. No. 24369059

To

1. Secretary of all Ministries/Department.
2. Secretary, UPSC, Shahjahan Road, New Delhi.
3. Chairman, SSC, Block No. 12, CGO Complex, Lodhi Road, New Delhi - 110003.
4. Chairman, University Grants Commission with a request to issue necessary instructions to all universities including Deemed Universities for compliance.
5. Chairman, Railway Board.
6. Shri Vijoy Kumar Singh, Joint Secretary (A), Department of Personnel & Training Ministry of Personnel, Public Grievances and Pensions, North Block, New Delhi - 110001.
7. All National Institutes and RCI under administrative control of Department of Empowerment of Persons with Disabilities (Divyangjan), Ministry of SJ&E, New Delhi.

Copy for information to: CCPD, Sarojini Bhawan, Bhagwan Dass Road, New Delhi.

Copy to: Shri S.K. Rungta, General Secretary, National Federation of the Blind.


S.K. Rungta

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

+ W.P.(C) 12222/2018 and CM APPL. 47370-47371/2018

ADITYA NARAYAN TIWARI & ANR Petitioners

Through Mr. S.K.Rungta, Sr. Adv. for
petitioner no.2 with Mr. Shivanker
Shukla, Adv. and petitioner no.2 in
person

versus

UNION OF INDIA & ANR Respondents

Through Mr. Vivek Goyal, CGSC with Mr.
Pawan Pathak, Advs. for R-1
Mr. Jagat Arora and Mr. Rajat Arora,
Adv. for R-2

CORAM:
HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER
% **15.11.2018**

Pursuant to order dated 14.11.2018, counsel for the respondent no.2 has made appearance and submits that the representation has been considered by the Department of Empowerment of Persons with Disabilities, Ministry of Social Justice & Empowerment and accordingly the Department has clarified to IBPS, Respondent no.2 herein, that the guidelines dated 29.08.2018 are applicable for all the examinations for recruitment for which advertisement is notified on or after 29.08.2018. The guidelines dated 26.02.2013 are applicable for the examinations for which action has been initiated prior to

True copy
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15/11/2018
Court Master
Delhi High Court
New Delhi

29.08.2018. In the present case, the advertisement was issued prior to 29.08.2018.

Since the respondent no.2 has taken the decision that they shall not implement the guidelines dated 29.08.2018 in the examination of Probationary Officers and Management Training to be conducted on 18.11.2018, the prayer for the said purpose is satisfied, at this stage.

Consequently, the necessary changes shall be carried out on the portal of respondent no.2 for the examination which is to be held on 18.11.2018.

For the remaining issues raised in this case, counsel for the respondent no.1 seeks time to file counter affidavit.

Let the needful be done within four weeks from today. Rejoinder thereto, if any, to be filed within two weeks thereafter.

I hereby made clear that no examination of any of the Department shall be conducted without complying obligations under Clause V of guidelines dated 29.08.2018 issued by respondent no.1. Respondent no.1 shall communicate this order to all the concerned Departments for compliance.

Renotify on 09.01.2019.

Order *dasti* under signatures of Court Master.

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SURESH KUMAR KAIT, J

NOVEMBER 15, 2018

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15/11/2018
Court Master
Delhi High Court
New Delhi

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 12222/2018

ADITYA NARAYAN TIWARI & ANR Petitioners

Through Mr. S.K. Rungta, Senior Adv. with
Mr. Shivankar Shukla, Mr. Prashant
Singh and Mr. Siddhart Jain, Adv.s.

versus

UNION OF INDIA & ANR Respondents

Through Mr. Vivek Goyal, CGSC with Mr.
Pawan Pathak, Adv. for UOI/R-1
Mr. Jagat Arora, Mr. Rajat Arora and
Mr. Murad Khan, Adv.s. for R-2

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

% **04.12.2018**

CM APPL Nos. 50801/2018 and 50752/2018

By the application No. 50801/2018, applicant / respondent no.2 seek direction thereby to follow the new guidelines dated 29.08.2018 without fulfilling the part of Clause-V which speaks about 'creating Panel of Scribes.

The petitioners have filed CM APPL No. 50752/2018 whereby seek direction directing the respondent no.2 to conduct the examinations for clerical posts scheduled for 9.12.2018 on the basis of the guidelines for use of scribe issued by respondent no. 1 vide file No. 16-110/2003/DD-III dated 26.2.2013 instead of guidelines of 29.08.2018, which is sought to be enforced and further directing

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Court Master
High Court of Delhi
New Delhi

respondent no.1 to issue clear instructions to all concerned that till such time they are able to put in place of panel of scribes at different levels in terms of requirements of examination in discharge of their obligations under Clause-V of guidelines of 2018, the examinations being conducted by them shall be conducted on the basis of guidelines issued by respondent no.1 on 26.02.2013 till disposal of the present petition.

On 15.11.2018 during the course of hearing, the counsel for respondent no.2 stated that the representation has been considered by the Department of Empowerment of Persons with Disabilities, Ministry of Social Justice & Empowerment and accordingly the Department has clarified to respondent no.2 ie. IBPS that the guidelines dated 29.08.2018 are applicable for all examinations for the recruitment for which advertisement is notified on or after 29.08.2018. The guidelines dated 26.02.2013 are applicable for the examination for which action has been initiated prior to 29.08.2018.

Accordingly, this Court observed in order dated 15.11.2018 that since the respondent no.2 has taken the decision that they shall not implement the guidelines dated 29.08.2018 in the examination of the Probationary Officers and Management Training to be conducted on 18.11.2018, the prayer for the said purpose was satisfied, at that stage.

Consequently, this Court directed that necessary changes shall be carried out on the portal of respondent no.2 for the examination which is to be held on 18.11.2018. It was made clear that no examination of any of the Department shall be conducted without

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High Court of Delhi
New Delhi

complying obligations under Clause-V of guidelines dated 29.08.2018 issued by the respondent no.1. It is further directed that respondent no.1 shall communicate this order to all the concerned Departments for compliance.

It is not in dispute that the respondent no. 1 has conveyed the directions dated 15.11.2018 passed by this Court.

In the present application No. 50801/2018, the applicant / respondent no.2 has shown its inability to prepare the panel of scribes and therefore, seeks direction to allow the applicant / respondent no.2 to follow the new guidelines dated 29.08.2018.

Learned counsel appearing in CM APPL No. 50752/2018 submits that if the respondent no.2 or any other Department is not able to prepare panel of scribes, then the petitioners and similarly situated persons should be allowed to participate in any of the examination, in terms of guidelines dated 26.02.2013.

Counsel for the respondent no.2 has no objection if such direction is issued till the panel of scribes is formed.

Accordingly, I hereby modify the order dated 15.11.2018 and direct the respondent no.2 to allow the petitioners and other similarly situated persons to have scribes of their choice as per guidelines dated 26.02.2013.

I hereby made it clear that till the panel of scribes is formed, if any examination is conducted by any of the Department wherein the petitioners and similarly situated persons appear in the exam, the guidelines dated 29.08.2018 shall not be applicable, however, the candidate shall appear in terms of guidelines dated 26.02.2013.

Court Master
High Court of Delhi
New Delhi

Accordingly, the respondent no. 1 is directed to issue corrigendum to their letter dated 28.11.2018.

In the corrigendum it would be specifically stated that, till the panel of scribes is not formed, any of the Department who are conducting the exam, shall not conduct the exam in terms of guidelines dated 29.08.2018.

Consequently, the necessary changes shall be carried out on the portal of respondent no.2 for the examination to be held on 09.12.2018 and 30.12.2018.

In view of the above directions, both the applications are disposed of accordingly.

Order *dasti* under signatures of Court Master.

DECEMBER 04, 2018
gb

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SURESH KUMAR KAIT, J

H/K/V
Court Master
High Court of Delhi
New Delhi