



CIRCULAR

Est/379/100A

Date : 03.12.2015

Under kind order dated 05.10.2015 issued by the Hon'ble Vice-Chancellor, University of Calcutta, it is hereby notified for general information of all the Heads of the Academic/Administrative Departments/Secretaries/Assistant Secretaries of the Faculty Councils of the University that the Judgement dated 25.02.2015 of K. Vinod Chandran, Hon'ble Judge, Kerala High Court [W. P (c) No. 35108 of 2014 – K] shall, henceforth, be complied with for strict implementation (Copy enclosed). [Ref. No. F. No. 6-3/2015(SCT) dated May, 2015, University Grants Commission, 35, Feroze Shah Road, New Delhi- 110001].

Sjp
Registrar (Acad. & Adm.)

SJP

07.12.15

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K. VINOD CHANDRAN

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

W.P.(C).No.35108 of 2014 (K)

PETITIONER(S):-

SHEHIN.S, AGED 20 YEARS, S/O.SHAJI,
SANU NIVAS, NEAR THOPPIL CHURCH,
PALLITHOTTAM, KOLLAM DISTRICT - 691006.

BY ADVS. SRI.P.A.MOHAMMED SHAH
SRI.S.PRASANTH
SRI.SOORAJ T.ELENJICKAL
SRI.T.S.SARATH
SMT.P.M.MAZNA MANSOOR.

RESPONDENT(S):-

1. UNION OF INDIA, REPRESENTED BY SECRETARY,
MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT,
ROOM NO. 740, 'A' WING, SHASTRI BHAVAN,
DR.RAJENDRA PRASAD ROAD, NEW DELHI - 110 001 (INDIA).
2. STATE OF KERALA, REPRESENTED BY ADDITIONAL CHIEF SECRETARY,
DEPARTMENT OF SOCIAL JUSTICE, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
3. SECRETARY,
GENERAL EDUCATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
4. UNIVERSITY GRANTS COMMISSION,
REPRESENTED BY ITS SECRETARY
OFFICE OF UNIVERSITY GRANTS COMMISSION,
BAHADUR SHAH SAFAR MARG, NEW DELHI - 110 002.
5. MAHATMA GANDHI UNIVERSITY REPRESENTED BY ITS REGISTRAR
MAHATHMA GANDHI UNIVERSITY, PRIYADARSINI HILLS P.O
KOTTAYAM DISTRICT - 696 560.
6. CONTROLLER OF EXAMINATION,
MAHATHMA GANDHI UNIVERSITY, PRIYADARSINI HILLS P.O.,
KOTTAYAM DISTRICT - 696 560.
7. PRINCIPAL, ST.THOMAS COLLEGE, ARUNAPURAM, PALAI,
KOTTAYAM DISTRICT - 686 574.

R1 BY ASSISTANT SOLICITOR GENERAL OF INDIA SRI.N.NAGARESH.
R2 & R3 BY GOVERNMENT PLEADER SRI.R.RANJITH.
R4 BY STANDING COUNSEL SRI.S.KRISHNAMOOTHY.
R5 & R6 BY STANDING COUNSEL SRI.VARUGHESE M.EASO.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
25-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

3. The learned Assistant Solicitor General of India refers to Exhibit P10 guidelines issued by the Government of India in the Ministry of Social Justice & Empowerment, Department of Disability Affairs, under the Disabilities Act; as also the order of the Chief Commissioner of Persons with Disabilities in its order dated 23.11.2012 in Case No.3929 of 2007 in the matter of *Shri Gopal Sisodia, Indian Association of the Blind v. State Bank of India & Others*. Reference is specifically made to Clauses-III and XI of the said guidelines at Exhibit P10, which are extracted hereunder:

"III. The facility of Scribe/Reader/Lab Assistant should be allowed to any person who has disability of 40% or more if so desired by the person.

xxx

xxx

xxx

XI. The word "extra time or additional time" that is being currently used should be changed to "compensatory time" and the same should not be less than 20 minutes per hour of examination for persons who are making use of scribe/reader/lab assistant. All the candidates with disability not availing the facility of scribe may be allowed additional time of minimum of one hour for examination of 3 hours duration which could further be increased on case to case basis".

The said guidelines is said to have been issued to the University and necessarily the statutory mandate, requires the University to comply with such guidelines.

4. In the event of the accepted position that the petitioner suffers from 60% permanent disability, it is only appropriate that the petitioner be permitted to appear for the examination with a scribe; not only in the present examination but for any ensuing examination of the course.

Writ petition allowed. No costs.

Sd/-
K. Vinod Chandran,
Judge

vku/

[true copy]