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**COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES****Department of Empowerment of Persons with Disabilities****Ministry of Social Justice and Empowerment**

 **Government of India**

**Case NO.4688/1041/2015)** 12570

 **Case No. *5458/1041/2015*** "

**In the matter of:**

Shri Ranjit Kurnar/Smt. Gita Sharma.
E-mail -ranjitgita95@qmail.com

**Dated:-19.01.2016**

Complainant
(Case *No.4688/1041/2015)*

Smt. Poonam Arya,
C-2/201, Janakpuri,
New Delhi-11 0058.

Complainant
(Case No. *5458/1041/2015)*

**Versus**

The Controller of Examinations,
Central Board of Secondary Education,

Shiksha Kendra, 2 Community Centre,
Preet Vihar, Delhi-11 0092.

**Date of hearing: 23.12.2015**

**Present:**

1. Shri Ranjit Kumar and Smt Gita Sharma, Complainant (in case no. *4688/1041/2015)*
2. SmL Poonam Arya, Complainant (in case *nO.5458/1 041/2015)*
3. Ms. Kavita Vazirani, Deputy Secretary & Dr. Sandeep Kumar. Joint JD.(IE), on behalf of
Respondent

Respondent

**RECORD OF PROCEEDINGS**

The complainant Shri Ranjit KumarlSmt. Gita Sharma (Case No. *4688/1041/2015)* filed a
complaint dated 0406.2015 under the Persons with Disabilities (Equal Opportunities, Protection of
Rights and Full Participation) Act, 1995, hereinafter referred to as the 'Act', regarding permission of
scribe of science stream to write his Class-XII Examination in 2016.

2. The complainant has submitted that Shri Pratyush Kaushal is currently studying in 12th Class
(Science) in DPS, R.K. Puram, New Delhi. He is having a medical problem that has affected both his
eyes He cannot read and write himself due to his disability and he is dependent on other
means/people. Throughout his academic career Pratyush has been a brilliant student and IS a
Scholar Badge holder since 2008. He would be appearing for his Class-XII exam in 2016. A
scribe/writer from non-science stream will not be able to explain the questions to the child and similarly
he will not be able to understand and write answers given by the science stream student. specially
signs and symbols. The applicant has requested that Shri Pratyush be allowed a scribe writer from
science stream so that he can write his Class-XII exam in 2016.

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3 As per the Pre-Examination Highlights-2015 dated 27. 02. 2015 of CBSE, at Clause 4 -

Exemptions given to Spastic, Visually Impaired candidates, Autistic, Dyslexic and candidates with
disabilities as defined in the Persons with Disabilities Act, 1995, provides that "A person to be
appointed as scribe should not have obtained his/her qualifications in the same subject(s) in which the

candidate shall be appearing for the examination."



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 4. The matter was taken up with respondent vide this Court's letter dated 17.07.2015 followed

by reminders dated 28.08.2015 and 13.11.2015.

5. ·In the meantime, Smt. Poonam Arya, complainant the mother of Miss Surbhi Arya, a child with
100% visually impaired since birth, also filed her complaint dated 16.11.2015 (Case No.
*5458/1041/2015)* before the Chief Commissioner for Persons with disabilities under the Persons with
Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter
referred to as the 'Act', regarding conflict in guidelines for appointing scribe as per CBSE notification
vs. the guidelines issued by Ministry of Social Justice & Empowerment, Department of Disability
Affairs vide Office Memorandum No. 16-110/2003-DDIII dated 26.02.2013.

6. She has submitted that her daughter Ms. Surbhi Arya is studying in Class-VII at Springdales
School, Dhaula Kuan which comes under CBSE. The school follows the guidelines laid down by
CBSE. As per CBSE guidelines dated 11.03.2015, "a person to be appointed as scribe should not
have obtained his/her qualifications in the same subject(s) in which the candidate shall be appearing
for the examination" which is contradictory to the guidelines issued by Ministry of Social Justice &
Empowerment. The complainant has requested that CSSE be directed to frame their policy within the
umbrella of the guidelines issued by Ministry of Social Justice & Empowerment.

7 As no reply was received from the respondent in case No. *4688/1041/2015* and upon
considering complaints of both the complainants and e-rnail dated 19.11.2015 of Shri Ranjit Kumar.
complainant (Case No.4688/1041 /2015), the cases were fixed for hearing for 23.12.2015.

**Case No. *4688/1041/2015:***

8 During the hearing on 23.12.2015, Shri Ranjit Kumar/Smt. Geeta Sharma, complainant (Case *No.4688/1 041/2015)* submitted that their son Shri Pratyush Kaushal, with visual impairment is currently studying in 12th Class (Science) in DPS, R.K. Puram, New Delhi. He is having a medical problem that has affected both his eyes. He cannot read and write himself due to his disability and he is dependent on other means/people. Their contention is that as per CBSE's Press Note dated
27.02.2015 titled as "Pre-Examination Highlights - 2015", they understand according to point No.4 under the heading "Exemptions given to Spastic, Visually Impaired candidates under Persons with Disabilities Act, 1995" that the scribe/writer has to be from non-science stream. However, they strongly feel that a non-science background student of 11 In class will not be able to write paper for a science stream person The non-science stream student will not be able to explain the questions to the child and similarly he will not be able to understand and write answers given by the science stream student, specially signs and symbols.

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**(Please quote the above filn/case number in future correspondence)**



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9. The representative of the respondent submitted that they are bound to follow the rules of the
Board for appointment of a scribe, which are (i) A person to be appointed as scribe should not have
obtained his/her qualifications in the same subject(s) in which the candidate shall be appearing for
the examination (ii) The candidate shall have the discretion of opting for his own scribe and shall
have the flexibility in accommodating change in scribe In case of emergency. Candidate shall also
have the option of meeting the scribe a day before the examination. The Centre Superintendent of the
examination centre concerned shall forward to the Regional Officer concerned of the Board a report
giving full particulars of the candidate and of the scribe. (iii) The Superintendent shall arrange a
suitable room for the candidate for whom an scribe is allowed and appoint one special Assistant
Superintendent to supervise his examination. (iv) The services of scribe shall be provided free of cost.
She further submitted that instructions issued by the Ministry of Social Justice & Empowerment have
been examined and amendment has been proposed. The proposal is under consideration. As soon
as the proposal is approved, the rules will be amended accordingly that will be followed strictly.

10. After hearing both the parties, this Court gives the liberty to the Complainant to take the scribe
of science stream to write his Class-Xll examination not to be taken as a precedent. The respondent is
also directed to take up this issue to the Ministry concerned for amendment in Exam Bye Laws.

Case No. 5458/1041/2015.

7. During the hearing, Srnt. Poonam Arya, complainant (Case No. 5458/1041/2015) submitted
that her daughter Surbhi Arya is 100% visually impaired since birth and is studying in class 7th at
Springdales School, Dhaula Kuan. During the discussion at school regarding availability of scribe for
writing internal examinations, she came to know that the Scribe Guidelines given by CSSE on 11 tn
March, 2015 state "The scribe should be a person who has not obtained his/her qualifications In the
same subject in which the candidate is appearing in the examination" whereas the Guidelines issued
by Ministry of Social Justice and Empowerment on 26.02.2013 states that "criteria like educational
qualification, marks scored, age or other such restrictions for the scribe/reader/lab assistant should
not be fixed. Instead the invigilation system should be strengthened so that candidates using scribe
do not indulge in malpractices." The school has responded that they will follow CBSE guidelines. In
her view, as per Press Note dated 27.02.2015 on Pre-Examination Highlights - 2015 Issued by
Central Board of Secondary Education is not following the guidelines of the Ministry in its true letter
and spirit.

 12 The representative of the respondent submitted that the Board conducts examinations at the
level of Class X and Class XII and has prescribed rules for conduct of these examinations. As per Rule

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No 25(ii), the amanuensis must be a student of a class lower than the one for which the candidate is
taking the examination." Further, as per press note dated 27.02.2015, "a person to be appointed as
scribe should not have obtained his/her qualification in the same subjects in which the candidate shall
be appearing for the examination." However, the schools can adopt the rules prescribed for class X
and class XI examinations for the examinations conducted by the schools during their internal
assessment at the school level to further strengthen inclusion of physically challenged students into
the main stream. She further submitted that the guidelines have been examined in the CBSE at
various levels and by various committee and it has been informed that in few cases the writer brought
by the disabled candidate were highly qualified which is against the ethics of the examination The
Examination Committee at its meeting held on 3103.2015 resolved that this be brought to the notice
of the Ministry of Social Justice & Empowerment. The Guidelines dated 2602.2013 are being
scrutinized and comments/suggestions Will be sent to the Ministry shortly.

13. On pointing out the query to respondent with regard to their letter No
VNDR/TPF/S2/Dt/Gr.03/School NO.65851/28406 dated 1611.2015 which states that as per Rule No
25(ii) "the amanuensis must be a student of a class lower than the one for which the candidate is
taking the Examination." Further, as per press note dated 27.02.2015, "a person to be appointed as
scribe should not have obtained his/her qualification in the same subjects in which the candidate shall
be appearing for the Examination", the representative of the respondent submitted that inadvertently
the old Rule position was mentioned in the letter, which will be rectified by issuing a fresh letter.

14. After hearing both the parties, this Court is of the view that the CBSE shall clarify the issue to
the concerned school/institution ;and rest of the schools so that the students with disabilities do not
face any difficulty in getting scribe/writer for below Board level examinations also, facilitating the
petitioners in this case accordingly.

 15. Both the above cases are disposed off accordingly.

 16. This issues with the consent of the Chief Commissioner for Persons with Disabilities

 ( S.K. Srivastava)
Dy. Chief Commissioner

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