



**COURT OF
STATE COMMISSIONER
FOR RIGHTS OF PERSONS WITH DISABILITIES**

**Orders issued by the State Commissioner in Case No.
RPwD Act/108/2018 on 12/06/2019.**

**Smt. P. Sarojini Devi,
District Educational Officer &
Ex-officio DPO, SSA,
Nalgonda.**

.....Respondent (1)

**Collector & District Magistrate,
Nalgonda.**

.....Respondent (2)

**The State Project Director,
Samagra Siksha Abhiyan (SSA),
(Premises of Director of School Education)
Government of Telangana, Hyderabad.**

.....Respondent (3)

ORDER

The Case No. RPwD Act/108/2018 pertains to statutory violation of recruitment procedure wherein the PwDs were ignored in selection of certain category of posts such as Spl. Officers, CRTs, PGCRTs and PETs in Kasturba Gandhi Balika Vidyalaya in Nalgonda District.

It has been brought to the notice of this Court that the recruitment is being made by the DEO from the merit list is in violation of the requirements of G.O.Ms. No. 99 of General Administrations (Services-D) Department dated 04-03-2013 and Section 34 of the RPwD Act, 2016. The first and second Respondents have processed the file for recruitment of candidates for the above post ignoring the reservation criteria for the PwDs and filled the reserved post with other general category.

In response to the show cause notice and summons issued by this Court to the DEO, Nalgonda, Collector & District Magistrate, Nalgonda and The State Project Director, Samagra Siksha Abhiyan (SSA) being the Respondents 1, 2 & 3. The Respondents 1 and 3 have attended before this Court and sought time for filing detailed counter affidavits. The Collector in his letter No. C5/03/2018 dated 26-04-2019 stated that the SSA has issued Notification for filling up of certain posts in KGBV and conducted written

examination through District Education Officers concerned. Further prepared the Merit List and communicated to all the DEOs for taking up further recruitment process. Accordingly, the DEO, Nalgonda has processed the recruitment file and filled the vacancies notified by the PD, SSA, TS, Hyderabad. No file prepared or circulated from Collectorate, Nalgonda in the above recruitment issue. The DEO, Nalgonda has prepared the Note file and got approval of the District Collector and Chairman, Nalgonda. Hence, no material is available in this office on the above issue and further informed that the DEO, Nalgonda has been directed to take necessary action for filing counter before the State Commissioner and requested to exempt the District Collector & Magistrate in attending the case as the entire recruitment process has been done by the PD, SSA, Hyderabad and the DEO, Nalgonda. All the material record is available with the DEO, Nalgonda only and also permits the DEO to appear on behalf of District Collector, Nalgonda.

The DEO (Res-1) in her counter affidavit submitted that the Notification was issued by the SPD, SSA dated 18-06-2018 for filling up of vacancies in KGBV/URs staff on contract basis. Online test was conducted on 02-07-2014 and 04-07-2018. A general merit list was hosted in the SPD, TSSA, Hyderabad in the website. The SPD issued instructions for filling up of the vacancies in Proc. 3480/SSA/P/9/T7/2017, dated 08-06-2018 and 07-07-2018, wherein a date-wise schedule prepared from 06-07-2018 to 18-07-2018.

The contention of the DEO (Res-1) is, that the SPD, SSA (Res-3) has sent general merit list through email and not communicated the community-wise general woman category and disabled candidates merit list (i.e. OH,HH,VH). Category-wise selections were made to the post of Spl. Officers, PGCRs, CRTs and PETs in KGBV/URS in the erstwhile Nalgonda District by the approval of the Collector. Further submitted that the authorities orally instructed to fill all vacancies in all categories. Due to hectic time schedule and not sufficient time for preparation of selection lists, oversightly converted Roster Point No. (6) meant for PHC (VH) to the OC woman in the tentative selection. In the mean time category-wise selection list were posted in the DEO website.

The SPD, SSA (Res-3) has posted the PHC candidate list in the web site without mentioning the disability however, the above list was downloaded and contacted the candidates over telephone and obtained the category of disability and percentage of disability.

Thereafter earlier selections have been reversed and revised selections have been made keeping in view of the instructions of the State Commissioner, RPwD Act and on the complaint of representatives of the Physically Handicapped in respect of posts reserved for PHC (VH).

N. Nagalaxmi was available for Spl. Officer's category and the same was the filled against roster point 6. Other categories like PGCRTs, CRTs and PETs were forwarded to next recruitment years due to non-availability of candidates.

The SPD, SSA (Res-3) in his counter affidavit submitted that the office of the SSA has followed rules and procedures in vogue from notification stage to issue of merit list and instructions were also issued to the DEOs/DPO. SSA issued schedule for filling up of vacancies and conduct of examination at District Headquarters through online. Examination was conducted through online for the post of Spl. Officers, CRTs, PGCRTs and PETs to fill up on contract basis in KGBV. The DEOs/DPOs were directed to download the merit list and host the same in the District website. Further, preparation of list of candidates who qualify in the examination in order of merit for verification of certificates for each post from the general merit list as per the guidelines issued and display the candidate's list in the District website and calling for verification of certificates and after verification original certificates of the candidates the provisional list shall be approved by the District Collector. The DEOs/DPOs of the concerned District have downloaded the general merit list and prepared the list of the eligible candidates and after verifying the certificates issued the orders by following roster and engaged the candidates on contract basis with the approval of District Collector concerned.

The Collector, Nalgonda was exempted to attend before this Court and asked the DEO to file counter affidavit. However, this Court find that the District Collector's plea is not in accordance with law, as the Collector who is responsible to approve the selection list has to look into all the relevant matters in recruitment policy before signing final selection list. Only after approval of the Collector the selection list will go out to the selected candidates in the recruitment process. Hence, he cannot deny his responsibility in the above irregular process in which the posts reserved for PwDs were processed to be filled by other candidates ignoring the method of recruitment. This Court desires that the Collector's proactive role helps the

disadvantaged communities in receiving their legitimate benefits. Hence, shall be more prospective in safeguarding the interest of the PwD community in the recruitment policy. The Collector cannot say that the DEO has processed the file but it was approved by the Collector. The Collector is advised to be more careful in recruitment process, so that the ultimate justice can be done to the PwDs.

As seen from the counter affidavits of 1st and 3rd respondents, it is observed that there are certain lapses appeared from both sides. The SPD, SSA has posted general merit list and asked the DEOs/DPOs to fill up the posts by following the procedure. But SPD, SSA has not taken any follow up action whether the DEOs/DPOS have followed the recruitment procedure in filling up the posts as per rules. The DEO/DPO, Nalgonda has failed to download the merit list category-wise from the general merit list hosted by SPD, SSA. Consequently the major irregularity in recruitment process took place due to overlooking the PwD category and the posts reserved for PwDs were filled with other candidates. The District Collector (Respondent 2) has not properly verified the lists submitted by the DEO, Nalgonda before affixing his signature on the file. The 2nd Respondent being the competent authority to approve the final list has to check whether all categories i.e., the lists consisting of reserved categories also were covered or not before issuing the orders. This irregularity would have been averted if the Respondent 2 verified the list submitted by the DEO and other officers who signed the file.

Many of the PwDs are seeking employment after completing their education. The posts reserved for these category to be filled invariably with the eligible candidate in the recruitment process taken up by any department. If failed to do so, it will cause lot of injustice to the PwDs by the concerned. Hence while taking up recruitment process, the concerned authorities shall look in depth to fill the reserved posts meant for PwDs.

In view of the submissions made by the SPD, SSA (Res-3) and DEO (Res-1) this Court is satisfied as they have rectified the omission took place in their recruitment and filled the post of Spl. Officer from PwD category at roster point 6 and the remaining posts were carried forward for next recruitment years as per procedure in the absence of candidates. The 3rd Respondent shall took proper care till the completion of recruitment process by the District Officer without leaving it after publication of merit list in future recruitments and instructed to issue category-wise merit list also in

respect of reserved categories, besides general merit list. The Respondent (1) shall be more vigilant in future in taking up the recruitment of any posts. Hence this Court is not inclined to initiate any punitive measures against the respondents, since the respondent (1) and (2) have rectified the mistake committed by them.

With these Orders this case is disposed off as closed.


STATE COMMISSIONER 