

EDN-A-(B)01-7/2006-III
Government of Himachal Pradesh
Higher Education Department

From

The Pr. Secretary (Education) to the
Government of Himachal Pradesh, Shimla-2

To

✓ The Director of Higher Education,
Himachal Pradesh, Shimla-01
Dated; Shimla -171002. the

01st July, 2014

Subject:-

Deprivation of rights of a person with disabilities-Non-Implementation of provisions of "The Persons with Disabilities" (Equal opportunities) protection of Rights and full participation Act-1955-complaint u/c of the Act.

Sir,

I am directed to refer to the subject cited above and to say that the Government has examine the matter in accordance with the order passed by the Hon'ble High Court in LPA No. 90 of 2011 titled as Shaym Singh Vs. State of H.P with the advisory departments (i.e. Law Deptt., Department of Personnel & HP PSC) and found that at present the State Government has provided 3% reservation to the persons with disabilities in the services of the State/State Public Sector Undertaking/Autonomous Bodies etc. in direct recruitment in Class-I to Class-IV posts/services. The State Government has also given the relaxation of 5% (from 55% to 50%) of marks. at the Master's level to the Physically and Visually Handicapped persons in appointment as Assistant Professor (College Cadre). Recently the Department of Personal vide letter No. PER(AP)-C-B(12)-1/2012 Dated 20th March, 2014 make a provision that the upper age limit for appointment to a post service as prescribed in the respective Recruitment & Promotion Rules may be allowed to be relaxed by 5 years in r/o Persons with Disabilities. In further vide D.O.P letter No. PER(AP)-C-B(12)-1/2012-Vol.I Dated 04th June, 2014 clarified that where in any recruitment year any vacancy cannot be filled up due to non-availability of suitable person with disability or for any other sufficient reason, such vacancy shall be carried forward in the succeeding recruitment year. If in the succeeding recruitment year

also suitable person with disability is not available, it may first be filled by interchange among the three categories and only when there is no person with disability available for the post in that year, the employer shall fill up the vacancy by appointment of a person, other than a person with disability.

Keeping in view of above the Government has opinion that the State Government has made many provision to the persons with disabilities in the services of the State/State Public Sector Undertaking/Autonomous Bodies etc. So it is better to go ahead with the existing provision of the R&P Rules and instructions of the Government issued from time to time instead of making separate provision for Persons with Disabilities for appointment of post of Assistant Professor, College Cadre as well as other Class-I posts.

Yours faithfully,

tc
(Pushpa Chaudhary)
Under Secretary (Hr. Edu.) to the
Government of Himachal Pradesh

Endst. No. as above
Copy to:-

Dated: Shimla-2, the

July, 2014


- 1 The Deputy Secretary (SJ&E) w.r.t. his letter No. SJ&E-F(10)-09/II dated 05.07.2013 for information only.
- 2 The Under Secretary (Education-D) with the request to appraise the O/o Ld. Advocate General.
- 3 The Secretary to Himachal Pradesh Public Service Commission w.r.t. his letter No. 3-25/2013-PSC(R-I) dated 01st February, 2014 for information only.
- 4 Mr. S.R. Chauhan, Advocate, 301, P.P.D.C The Ridge, Shimla-1 w.r.t. letter No. Nil dated 20.12.2012 for information. {**Regd Post**}

(Pushpa Chaudhary)
Under Secretary (Hr. Edu.) to the
Government of Himachal Pradesh

Directorate of Higher Education
Himachal Pradesh

Endst. No. EDN-H(1)B(15)1/2009- Imp. Instt. Dated Shimla - 171001 the 21/7/2014
Copy for information and further necessary action is forwarded to :-

1. The Principal Secretary(Personnel) to the Govt. of HP, Shimla-2 w.r.t. letter No.PER(AP)-C-B(2)-3/2012 dated 28th June, 2014 for information please.
2. The Additional Director of Hr. Education (Adm.), H.P.
3. The Addl. Director Director of Hr. Education (S) . H.P.
4. The Joint Director of Hr. Education, C-I C-II, H.P.
5. The Joint Controller (F&A), Dte. of Hr. Education, H.P.
6. The OSD(C)/ OSD(Skt.) Directorate of Hr. Education, H.P.
7. All the Deputy Directors of Hr. Education in the Pradesh for strict compliance.
8. The PS to the Director of Higher Education, H.P.
9. The Technical Officer, Dte. of Hr. Education, HP **(for the uploading on deptt. Website)**.
10. All the Branch Officers / Superintendents Establishment branches in the Directorate of Hr. Education, HP Shimla-I for n'a please.
11. Guard File.


Director Higher Education
Himachal Pradesh