

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C.) No. 1235/2007 & C.M. No. 12771/2008**
% **Date of Decision: 11th JANUARY, 2010**

MS. KANCHANA NARASIMHAN
.....PETITIONER

! Through: Mr. P. Chandrasekharan, Advocate.

VERSUS

\$ UNIVERSITY OF DELHI & OTHERS
.....RESPONDENTS

^ Through: Mr. Vikas Sethi, Advocate for counsel for the
respondent No. 1.
Mr. Mayank Manish, Advocate for counsel
for respondent No. 2/UGC.
Mr. Krishan Mahajan, Advocate for the
respondent No. 4.
Mr. Saurabh Upadhyay, Advocate for
respondents No. 7, 8 & 9.

CORAM:
Hon'ble MR. JUSTICE S.N. AGGARWAL

1. Whether reporters of Local paper may be allowed to see the judgment? **NO**
2. To be referred to the reporter or not? **NO**
3. Whether the judgment should be reported in the Digest? **NO**

S.N.AGGARWAL, J (ORAL)

The petitioner is a Visually Physically Handicapped Person. She was a candidate for the post of Lecturer in Geography in Kirori Mal College (respondent No. 4 herein). She could not qualify the selection process held for the said post. She has filed this writ petition seeking issuance of a writ of mandamus against the respondents for her appointment to the post of Lecturer (Geography) in Kirori Mal College invoking her rights under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

2. Mr. Krishan Mahajan, learned counsel appearing on behalf of the

respondent No. 4 College, has opposed the maintainability of the present writ petition on the ground that the petitioner cannot be permitted to take two parallel proceedings for the same relief, i.e. one by filing the present writ petition and the second in proceedings before the Chief Commissioner being the competent authority under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

3. Mr. P. Chandrasekharan, learned counsel appearing on behalf of the petitioner, admits filing of a complaint by the petitioner before the Chief Commissioner under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. He, however, submits that no decision has been taken by the Chief Commissioner on the said complaint of the petitioner till date.

4. At this stage, counsel for both the parties have agreed for passing of a consent order in the matter. They have agreed that directions may be given to the Chief Commissioner who is the competent authority under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 for taking a final decision on the complaint of the petitioner by a speaking order under intimation to the petitioner within a time bound period, granting liberty to the petitioner to challenge the order of the Chief Commissioner, if she is aggrieved by the said order, in appropriate proceedings before the competent court as per law.

5. In view of the above and having regard to the submissions made by the counsel for the parties, this writ petition is disposed of with directions to the Chief Commissioner under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 to decide the complaint of the petitioner pending before it finally by a

speaking order within six weeks from today. Liberty is granted to the petitioner to challenge the order of the Chief Commissioner to be communicated to her, in case, she is not satisfied by the said order in appropriate proceedings before the competent court as per law. The stay application being C.M. No. 12771/2008 is dismissed as infructuous.

6. A copy of this order be sent to the Chief Commissioner under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 for information immediately.

Order dasti.

JANUARY 11, 2010
'BSR'

S.N.AGGARWAL, J