BEFORE THE STATE COMMISSIONER FOR PERSONS WITH DISABILITIES
ADD: 1st FLOOR, BUILDING 'B', GOA HOUSING BOARD, NEW MARKET COMPLEX, PORVORIM-GOA. 403521.

Case no.07/Comm-PwDs/2023-24/1560

Miss. Samidha Sitaram Mahalc,
Hno, 155/2, Madhalawada,
Uguem, Pernem-Goa

-Complainant

V/s

The Director,
Directorate of Education,
Porvorim -Goa.

-Respondent

Case filed on: 21/11/2023
Decided on: 20/08/2024

This office was in receipt of complaint dated 21/11/2023 from Ms. Samidha Sitarm Mahalc, a Person with hearing impairment, R/o Hno, 155/2, Madhalawada uguem Pernem, North Goa, regarding non communication of result of test held for the post of LDC under PwDs category by Directorate of Education Porvorim Goa.

Upon receipt of the compliant same was forwarded to Directorate of Education Porvorim Goa for their say and thereupon hearing were conducted from time to time wherein Directorate of education filed then reply responding to the complaint.

The copy of the reply was forwarded to the complainant dated 19/02/2024 for her perusal further as a response to reply of complaint, complainant has address letter dated 23/02/2024, basically stating that she is not satisfied with the reply and requesting this office to conduct detail inquiry on her complaint and has requested this commission to seek certain information from the Respondent to facilitate itself in logical conclusion.

The Respondent were directed to produce said information before this Commission with copy to Complainant, however Respondent did not abide by such direction as the result of which Reminder was issued upon receipt of which Respondent has furnished most of the information except question paper of Typing Test and answer sheet of complainant with reason that information with regards to Typing Test is not available with them as task of conducting Typing Test was assigned to different institution /Agency as per point XII O.M. no 1/6/83-PER (Vol.II) Pt (a) /143 dated 14/01/2019.

This Commission upon receipt of such compliance from the Respondent has fixed hearing before this commission, after hearing both parties this Commission had passed Interim Order issuing instruction to Respondent to submit copy of answer sheet of Typing Test (skill test) by obtaining same through proper channel from concern agency and further directed Respondent to give copy to complainant as well for her perusal. **P.T.O.**

Directorate of Education
Porvorim, Goa
Inward No.
Date 03/10/24
Initial

Commissioner for Persons with Disabilities
Government of Goa

The Respondent has duly complied with directions /instructions issued by this Commission in its interim order and issued copy of answer sheet to complainant.

This commission after going through all correspondence, all materials produced by the Respondent on record concerning Typing Test (Skill Test) of complainant, it is of opinion that there is no act of discrimination done by the Respondent and Complainant has been provide fair and reasonable opportunity to compete for the post and she has not been selected because she is not qualified as per skill test conducted by the Respondent which work was assigned to different agency interms of OM. no 1/6/83-PER (VOl.II) Pt (a) /143 dated 14/01/2019.

As complainant was not able to qualify on merits and there is no malafide, Discrimination, Harassment on behalf of the Respondent, this commission is of considered opinion there is no merits in the present case.

However we make it clear that the Directorate of Education has to comply with our instruction issued by us vide letter dated 19/01/2024 wherever we have granted relaxation for filling up of post by Persons other then Persons with Disability in response to the letter dated 22/11/2023 made by Directorate of Education, wherein we have categorically stated that Directorate of Education should fill in all backlog post reserved for Person with Disability before going in for the next stage of recruitment.

As far as case in hand is concerned as complainant has failed to show there is any Malice, Malafide, Discrimination, Harassment or foul play on behalf of the Respondent.

In view of above the present Complaint/Representation stands Dismiss/ Disposed off.

Given under my hand and seal of this Commission, on this day of **27th September 2024.**

(GURUPRASAD R. PAWASKAR)
(State Commissioner)
For Persons with Disabilities,
Porvorim-Goa

State Commissioner for Persons with Disabilities
Government of Goa