सावित्रीबाई फुले पुणे विद्यापीठ

।। यः क्रियावान् स पण्डितः ।।

सर्वोत्कृष्टतेचा स्त्रोत असलेले विद्यापीठ

विद्यार्थी कल्याण मंडळ

डॉ. संजयकुमार एन. दळवी
एम.एस्सी., पीएच.डी.
संचालक,
विद्यार्थी कल्याण मंडळ

अतितात्काळ

संदर्भ क्र.: विकमं/२०१४–१५/६१९

दिनांक : २८/११/२०१४.

प्रति,

मा. प्राचार्य / मा. संचालक/ मा. विभागप्रमुख,
सावित्रीबाई फुले पुणे विद्यापीठाशी संलग्न असलेली सर्व
महाविद्यालये व मान्यताप्राप्त संस्था.
सावित्रीबाई फुले पुणे विद्यापीठातील सर्व पदव्युत्तर विभाग.

विषय :– अपंग विद्यार्थ्यांना सुविधा उपलब्ध करुन देणेबाबत...

संदर्भ क्र :– महाराष्ट्र शासन सह संचालक उच्च शिक्षण जा.क्र. ससां/उशि/पुवि/अपंग सुविधा २०१४/५५७, दि. २७ नोव्हेंबर, २०१४ चे पत्र.

महोदय/महोदया,

उपरोक्त संदर्भिय विषयांस अनुसरुन आपणांस कळविण्यात येते की, मा. उच्च न्यायालयाच्या निर्णयानुसार विद्यापीठे व शैक्षणिक संस्था यांमध्ये अपंग विद्यार्थ्यांना **आवश्यक त्या सुविधा १५ डिसेंबर, २०१४ पूर्वी** उपलब्ध करुन देण्याबाबत मा. सह संचालक, उच्च शिक्षण, महाराष्ट्र शासन, पुणे – ०१ यांचेमार्फत कळविण्यात आले आहे.

याबाबतचे सविस्तर पत्र आपल्या माहिती व कार्यवाहीसाठी सोबत जोडले आहे. आपल्या महाविद्यालयात/मान्यताप्राप्त संस्थेत/पदव्युत्तर विभागात अपंग विद्यार्थ्यांना आवश्यक त्या सुविधा उपलब्ध करुन देण्याबाबत आपण आपल्या स्तरावर योग्य ती कार्यवाही करावी.

आपण वरीलप्रमाणे केलेल्या कार्यवाहीचा अहवाल मा. सह संचालक, उच्च शिक्षण, महाराष्ट्र शासन, पुणे – ०१ व मा. संचालक, विद्यार्थी कल्याण मंडळ, सावित्रीबाई फुले पुणे विद्यापीठ, पुणे – ०७ या कार्यालयास पाठविण्यात यावा, ही विनंती.

कळावे,

सोबत : वरीलप्रमाणे.

संचालक,
विद्यार्थी कल्याण मंडळ

विद्यार्थी कल्याण मंडळ, सावित्रीबाई फुले पुणे विद्यापीठ, गणेशखिंड, पुणे – ४११००७.
☎ ०२०–२५६०११६०, ६५००३७००/०१ फॅक्स : ०२०–२५६०११५४ मो.: ९८५००१४४६६

General marathi

(1)

महाराष्ट्र शासन
सहसंचालक (उच्च शिक्षण)
९७ आंबेडकर रोड, कॅम्प, पुणे – ४११ ००१
Website: www.jdhepune.info E-mail: admin@jdhepune.info

दूरध्वनी क्रमांक – ०२० - २६१२५८६३, २६०५१६३२ फॅक्स क्र. ०२०- २६०५१६३२

जा.क्र.सस/उशि/पुवि/अपंग सुविधा/२०१४ /5571 दिनांक २७.११.२०१४

अत्यंत महत्वाचे / न्यायालयीन / तातडीचे

प्रति,

कुलसचिव,
पुणे विद्यापीठ,
पुणे – ४११ ००७.

सावित्रीबाई फुले पुणे विद्यापीठ पुणे-७.
आवक क्र.-अर/ 3553
दिनांक- 28/11/14
आवक दिनांक- 28/11/14
विभाग-
D/SW.

विषय- अपंग विद्यार्थ्यांसाठी महाविद्यालयामध्ये सुविधा उपलब्ध करुन देणेबाबत..

संदर्भ – १. या कार्यालयाचे परिपत्रक जा.क्र. शिससं/उशि/पुवि/अपंग/१२-१३/२६४७ दिनांक २५.९.२०१२.
२. मा. शिक्षण संचालक, उच्च शिक्षण, म.रा. पुणे यांचे पत्र क्र. उशिसं/२०१४/न्यायप्र/मजि-१/९६६० दिनांक २०.११.२०१४.
३. कार्यासन अधिकारी, महाराष्ट्र शासन यांचे पत्र क्र. न्यायप्र-२०१४/प्र.क्र.१५७म.शि.५ दिनांक १५.११.२०१४.
४. मा. उच्च न्यायालय, मुंबई यांचे आदेश याचिका क्रमांक ६५९४/२०१४.

उपरोक्त विषयाबाबत कळविण्यात येते की, आपल्या विद्यापीठामध्ये / महाविद्यालयामध्ये तळमजल्यावर असलेल्या वर्गखोल्या, कॅन्टीन, स्टाफरुम, लेडीज कॉमन रुम इ. ठिकाणी अपंग विद्यार्थी/विद्यार्थीनीना उपयुक्त रॅम्प तयार करण्यासाठी उपरोक्त संदर्भिय पत्र क्र. १ अन्वये कळविण्यात आले होते. तसेच अपंग विद्यार्थ्यांसाठी व्हील चेअर वापरणा-या व्यक्तिना वापरता येण्याजोगे टॉयलेट विद्यापीठामध्ये / महाविद्यालयामध्ये असावे. अपंग विद्यार्थ्यांचे हीत लक्षात घेता National Building Code च्या निकषाप्रमाणे कायमस्वरुपी किंवा वापरता येण्याजोगे रॅम्पस, तसेच एक व्हील चेअर वापरणा-या व्यक्तिंना वापरता येण्याजोगे टॉयलेट तातडीने महाविद्यालयामध्ये उपलब्ध करुन दयावे. रॅम्पची सुविधा तात्काळ पुरविण्यात यावी तसेच टॉयलेटची सुविधा १५ डिसेंबर २०१४ चे आत पुरविण्यात यावी. विद्यार्थ्यांच्या कल्याणकारी योजनेचा अत्यावश्यक भाग म्हणून याकडे बघावे. तसेच उपरोक्त सुविधा विद्यापीठामध्ये / महाविद्यालयामध्ये नसतील तर त्या तात्काळ तयार करुन घ्याव्यात.

general Marathi

सावित्रीबाई फुले पुणे विद्यापीठ, पुणे-७.
आवक/जावक क्र.: 4517
दिनांक 28 NOV 2014
विद्यार्थी कल्याण मंडळ
शाखा-

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महाराष्ट्र शासन
शिक्षण संचालनालय, (उच्च शिक्षण)
महाराष्ट्र राज्य, मध्यवर्ती इमारत, पुणे ४११ ००१
Web : www.dirhe.org.in E-Mail : web:www.dhepune.co.in
फोन नं.०२०/२६१२२११९, २६०५१५१२, २६१३०६२७, २६१२४६३९ फॅक्स नं.०२०/२६११११५३

क्र.उशिसं/२०१४/न्यायाप्र/मवि-१ 9660 दिनांक २०/११/२०१४

सह संचालक (उच्च शिक्षण)
पुणे विभागीय कार्यालय
जा.क्र. 17864
दिनांक 26 NOV 2014

27 NOV 2014

प्रति,

१. विभागीय सहसंचालक,
उच्च शिक्षण,
पुणे विभाग,
पुणे.

२. कुलसचिव,
सावित्रीबाई फुले पुणे विद्यापीठ,
पुणे.

विषय – रिट याचिका क्रमांक ६५९४/२०१४
आकांक्षा वर्धमान काळे विरुध्द महाराष्ट्र शासन व इतर
सदर्भ - शासन पत्र क्र.न्यायाप्र-२०१४/प्र.क्र.१५७/म.शि.५,
दिनांक १५/११/२०१४

वरील विषयाबाबतच्या शासनपत्राची व त्यासोबतच्या सहपत्रांची प्रत सोबत जोडलेली आहे. तरी आपण याबाबतीत बृहन महाराष्ट्र कॉलेज ऑफ पूना, पुणे या महाविद्यालयास व आपल्या अधिपत्याखालील सर्व महाविद्यालयास मा.न्यायालयाने वरील प्रकरणी दिनांक ३०.१०.२०१४ रोजी झालेल्या सूनावणीमध्ये दिलेल्या निदेशानुसार कार्यवाही करण्याच्या सूचना आपल्या स्तरावरुन द्याव्यात व तसे केल्याबाबतचा अहवाल तात्काळ या संचालनालयास सदर करावा.

20/11/2014

(डॉ.प्र.रा.गायकवाड)
प्र. शिक्षण संचालक, (उच्च शिक्षण)
महाराष्ट्र राज्य, पुणे-१

प्रत :- मा.श्री.बा.म.आसोले, कार्यासन अधिकारी , उच्च व तंत्रशिक्षण विभाग, मंत्रालय, मुंबई-३२ यांना माहितीस्तव सविनय सादर.

Job Date Time Type Identification Duration Pages Result
310 11/14/2014 13:23:25 Receive 0:34 0 No Fax Detected
REGISTRAROFFICE 02025697388
Nov-14-2014 13:24
HP LaserJet Pro MFP M128fn
Fax Error Report
D:\Documents and Settings\ADMINISTRATOR\Desktop\All In One\IPM Folder Mr Ghodke\Nitin\Ahamad Nagar.doc

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महाराष्ट्र शासन

न्यायालयीन प्रकरण/कालमर्यादा

क्रमांक: न्यायाप्र-2014/प्र.क्र.157 म.शि.5
उच्च व तंत्र शिक्षण विभाग,
मंत्रालय, मुंबई-400 032.
दिनांक:- 15 /11/2014.

प्रति,
कुल सचिव,
पुणे विद्यापिठ,
पुणे..

469
मि-1

विषय:- रिट याचिका क्रमांक 6594/2014
आकांक्षा वर्धमान काळे विरुध्द महाराष्ट्र शासन व इतर

संदर्भ:- सहायक सरकारी वकील (अपील शाखा), मा. उच्च न्यायालय, मुंबई यांचे इंग्रजी पत्र No. GP/WP/VBT/10614, Dated:03.11.2014

वरील विषयी संदर्भाधीन पत्राची प्रत सोबत जोडली आहे.

2. आकांक्षा वर्धमान काळे यांनी मा. उच्च न्यायालय, मुंबई येथे रिट याचिका क्रमांक 6594/2014 दाखल केली असून सदर प्रकरणी दिनांक 30.10.2014 रोजी झालेल्या सुनावणीमध्ये मा. न्यायालयाने दिलेल्या निदेशानुसार पुढील आवश्यक ती कार्यवाही तात्काळ करावी. तसेच केलेल्या कार्यवाहीबाबत शासनास अवगत करावे, ही विनंती.

सह पत्र:- वरीलप्रमाणे

(बा म. आसोले)
कार्यासन अधिकारी, महाराष्ट्र शासन

प्रत: सहपत्रासह माहिती व आवश्यक त्या तात्काळ कार्यवाहीसाठी अग्रेषित.

संचालक, (उच्च शिक्षण),महाराष्ट्र राज्य, पुणे
प्रत: म.शि.5 कार्यासन, संग्रहार्थ.

मार्फत: श्री नितीन घोडके.
या. अपंग विद्यार्थ्यांबाबत दिलेल्या आदेशाची अंमलबजावणी करणेकरिता बृहन्महाराष्ट्र [illegible] कॉलेज [illegible] पुणे [illegible] विषय [illegible] यांना [illegible]

F:\2014\Court cases\Letter\W.P. No. 338,2011 Abhang.doc

19/11/14

COURT MATTER
MOST URGENT
Tel:- 22677694, Fax:-22673093
E-Mail:-gpbombay2007@rediffmail.com

No. GP/WP/VBT/ 10614 2014
Office of the
Government Pleader,
A.S. (Writ Cell,) High Court,
Mumbai - 400 032.
Dated :- 3.11.2014

urgent

To,

The Secretary to Government,
Higher and Technical Education Department,
Mantralaya, Mumbai 400 032.

P.S. Higher & Technical Education Dept.
22-10

The Commissioner for Persons with
Disabilities, Maharashtra State,
3, Church Road, Pune-1.

मुख्य सचिवांचे कार्यालय
मंत्रालय, मुंबई-३२
दिनांक : 10 NOV 2014
ई-ऑफिस क्र. : 757420

12 NOV 2014

Subject : High Court, A.S. (Writ Cell),
Writ Petition No. 6594 of 2014
Akanksha Vardhaman Kale.
v/s.
The State of Maharashtra & Others

उच्च व तंत्र शिक्षण विभाग
कार्यासन
दिनांक
शाखा क्रमांक

Ref:- In the matter of not providing wheelchair in the College and institutions where the Petitioner is required to attend classes and appear for examinations and not providing toilets adaptable to her wheelchair as per the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation Act, 1995.

Sir,

This is to inform you that the above mentioned matter was on board before the Division Bench of Their Lordships the Hon'ble Chief Justice and Hon'ble Justice B.P. Colabawalla on 30.10.2014 when the Hon'ble Court after hearing the parties at length was pleased to pass an order dated 30.10.2014. In the said order, the Hon'ble Court was pleased to observe that the Brihan Maharashtra College of Commerce, Pune was ready to extend necessary cooperation for permitting the Petitioner to appear at the examination to be held in the said college between 7th and 20th November 2014. The Hon'ble Court was leased to observe that the renovation work has been going on in the college and has passed an order requesting the college authorities to provide the noise free and barrier free environment during the examination on 7 days of examination. The Hon'ble Court has further observed that the Government of India i.e. Ministry of Human Resource Development, Department of Higher Education had issued instructions that all the educational institutions must provide barrier free and accessible pathways for disabilities persons. The Hon'ble Court has therefore, directed the University of Pune to issue general instructions to all the colleges, educational institutions, examination centres and concerned departments to provide barrier

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free environment for students with disabilities i.e. ram facility, lift, washroom facilities to accommodate wheel chairs etc. The Hon'ble court has further directed the Commissioner for Persons with Disabilities for Maharashtra State at Pune will also issue general instructions to all the educational authorities as mentioned above.

In the circumstances aforesaid, you are, requested to comply with the order dated 30.10.2014 and submit a report as expeditiously as possible to this office as the Hon'ble Court has granted time upto 15.12.2014 for submissions of the report. The matter has now been placed on 22.12.2014. A copy of the order dated 30.10.2014 is enclosed herewith for your information and ready reference. Please treat this as most urgent.

Yours faithfully

Vishal B Thadani

(Vishal B. Thadani)
Assistant Government Pleader,
A.S., (Writ Cell), High Court, Mumbai.

Encl:- Order dt.30.10.14.

Copy to :

No.GP/WP/VBT/ The Chief Secretary to Government of Maharashtra, Mantralaya, Mumbai.

No.GP/WP/VBT/ The Secretary to Government, Law & Judiciary Dept, Mantralaya, Mumbai.

Psn/ 3.11.2014

(8) 2/4.2

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6594 OF 2014

Akanksha Vardhaman Kale .. Petitioner
V/s
Union of India & Ors. .. Respondents

Mr. Saket More i/b Mr. Satyavrat Joshi for the petitioner.
Mr. S.B. Shetye for respondent nos.1 and 2.
Mr. Kapil Moye with Mr. Shreyas Patel and Mr. Meit Sampat i/b Little & Co. for respondent no.8.
Mr. Vishal Thadani, A.G.P. for the respondent – State.

CORAM: MOHIT S. SHAH, C.J. &
B.P. COLABAWALLA, J.

DATE : 30 OCTOBER 2014

P.C.:

Learned counsel for respondent no.8 invites our attention to the statements made in the affidavit dated 21 October 2014 filed by Mr. T. Karthikeyan , Secretary of respondent no.8, and particularly the statement that the order dated 29 September 2014 of this Court has already been communicated to all the offices and branches in all the five regions of the country and they have been asked to provide the necessary barrier free facilities for persons with disabilities, viz. ramp facility, lift, washroom facilities to accommodate wheel chairs, etc. It is of course stated that the same shall be subject to necessary

Bombay High Court

(9)

permissions from municipal and concerned authorities and feasibility depending on the plan/layout approved by the architect.

2. As far as the petitioner's case is concerned, learned counsel for respondent no.8 has placed on record a copy of the letter dated 10 October 2014 from the Principal, Brihan Maharashtra College of Commerce, Pune to the effect that the said college is ready to extend necessary cooperation for permitting the petitioner to appear at the examination at the said college between 7 and 20 November 2014. The principal has, however, stated that the college is going for third cycle of re-accreditation, NAAC and for that purpose repairing and renovation work is scheduled during that period.

3. While we appreciate that Brihan Maharashtra College of Commerce, Pune is going ahead with the repairing and renovation work in the college, we request the college authorities to see that the petitioner is provided noise free and barrier free environment during the examination on seven days on which the petitioner will be appearing.

4. Our attention is invited to the circular letter dated 11 July 2001 issued by the University Grants commission to the Vice Chancellor of all Universities, which reads as under:

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"Dr. (Mrs.) Pankaj Mittal
Joint Secretary

D.O. No.11-5/95(CPP-II)(Vol.III) *11 July 2001*

Dear Sir/Madam,

The Commission in its meeting held on 22-5-2001 considered the matter regarding full implementation of persons with Disabilities Act, 1995 in universities and colleges and approved 3% reservation for persons with disabilities in admission to all the courses of study offered by universities and colleges and 3% reservation for disabled people in jobs and also decided that barrier free access for persons with disabilities to the university, buildings, class rooms, laboratories and toilets, etc. be ensured. You are requested to implement the above decision of the Commission strictly."

5. Similarly, on 8 December 2012, the Government of India in the Ministry of Human Resource Development, Department of Higher Education issued instructions to make educational institutions (the buildings of University, colleges and technical institutes, etc.) barrier free and accessible for all types of disabilities.

6. The University Grants Commission also issued the circular dated 9 February 2012 to the Universities to take follow up action to make educational institutions barrier free and accessible for all types of disabilities.

7. Again on 25 May 2012, the Chief Commissioner for Persons with Disabilities issued instructions to Government of Maharashtra in the Technical and Higher Education Department and

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pointed out sections 30(b), 46 and 59 of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, which read as under:

> *"Section 30(b) of the Act specifically provides that appropriate Governments shall prepare a comprehensive education scheme which shall inter-alia make provision for the removal of architectural barriers from schools, colleges or other institutitons imparting vocational and professional training.*
>
> *Section 46 of the Act also requires that the appropriate Governments and the local authorities shall, within the limits of their economic capacity and development, provide for -*
>
> *(a) rumps in public buildings;*
> *(b) adaptation of toilets for wheel chair users;*
> *(c) braille symbols and auditory signals in elevators or lifts;*
> *(d) ramps in hospitals, primary health centres and other medical care and rahabilitation institutions.*
>
> *Section 59 of the Act mandates the Chief Commissioner for Persons with Disabilities on his own motion or on application of any aggrieved person or otherwise to look into the complaints inter-alia with respect to matters relating to deprivation of rights of persons with disabilities."*

8. In view of the above, we direct respondent no.6 - University of Pune to issue general instructions to all the colleges/ educational institutions, examination centres and concerned

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departments to provide barrier free environment for students with disabilities, viz. ramp facility, lift, washroom facilities to accommodate wheel chairs, etc. Similarly, the Chief Commissioner for Persons with Disabilities at New Delhi and the Commissioner for Persons with Disabilities for Maharashtra State at Pune will also issue general instructions to all the educational authorities in the country calling upon them to provide barrier free environment to students with disabilities.

9. The compliance report regarding issuance of specific instructions to educational institutions/colleges to provide the aforesaid facilities by 31 March 2015 shall be submitted by 15 December 2014.

Stand over to 22 December 2014.

CHIEF JUSTICE

(B.P. COLABAWALLA, J.)

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