



10-09-12, 10-09-12, 10-09-12, 10-09-12, 10-09-12

IN THE SUPREME COURT OF BANGLADESH  
HIGH COURT DIVISION  
(SPECIAL ORIGINAL JURISDICTION)

WRIT PETITION NO. 2932 of 2010

IN THE MATTER OF:

An application under Article 102(1), 102(2)(a)(i) and 102(2)(a)(ii) of the Constitution of the People's Republic of Bangladesh.

AND

IN THE MATTER OF:

1. Shapan Cowkider, son of Md. Nurul Islam Chowkider, of village South Chakdh, Post: Chakdh Bazar, Police Station Naroria, District-Shariatpur and others.

.....Petitioners.

-Versus-

1. Bangladesh, Represented by the Secretary, Ministry of Establishment, Bangladesh Secretariat, Police Station- Ramna, District Dhaka.
2. Bangladesh, Represented by the Secretary, Ministry of Law, Justice and Parliamentary Affairs, Bangladesh Secretariat, Police Station Ramna, District-Dhaka.
3. Bangladesh, Represented by the Secretary, Ministry of Social Welfare, Bangladesh Secretariat, Police Station Ramna, District Dhaka.
4. Bangladesh, represented by the Secretary, Ministry of Health and Family Planning, Bangladesh Secretariat, Police Station Ramna, District Dhaka.
5. Bangladesh Public Service Commission, Represented by its Chairman, Old Airport Building, P.S. Tejgaon, Dhaka 1215.
6. The Chairman, Bangladesh Public Service Commission, Old Airport Building, P.S. Tejgaon, Dhaka 1215
7. The Secretary, Bangladesh Public Service Commission, Old Airport Building, P.S. Tejgaon, Dhaka 1215;





8. The Controller of Examinations (Cadre), Bangladesh Public Service Commission, Old Airport Building, P.S. Tejgaon, Dhaka 1215.
9. Director General, Directorate of Health, Mohakhali, P.S. Gulshan, Dhaka.
10. National Disability Welfare Coordination Committee, Represented by its Chairman, Ministry of Social Welfare, Bangladesh Secretariat, P. S. Ramna, Dhaka.
11. The Chairman, National Disability Welfare Coordination Committee, Ministry of Social Welfare, Bangladesh Secretariat, P. S. Ramna, Dhaka.
12. The Secretary, National Disability Welfare Coordination Committee, Ministry of Social Welfare, Bangladesh Secretariat, P. S. Ramna, Dhaka.

..... Respondents.

AND

IN THE MATTER OF:

Persistently depriving Bangladeshi citizens with disabilities from the opportunity of appearing in the Bangladesh Civil Services (BCS) Examinations and not allowing them to join any cadre as may be determined by the Bangladesh Public Service Commission

AND

IN THE MATTER OF:

Publishing a supplementary notice expressly specifying that there is no bar to persons with disabilities from applying for 30<sup>th</sup> BCS Examination-2010, in addition to the Notification, bearing File No. 80.200.046.00.00.001.2010-360, dated 08.3.2010, published by the Respondent No.8

AND

IN THE MATTER OF:

Applying discretionary powers and performing duties of the respondents for ensuring the accommodation of persons with disabilities in the appropriate cadre posts of Bangladesh civil service in compliance with Section 6(2) of the Disability Welfare Act, 2001 (Act XII of 2001) read with Schedule 'Cha' of the said Act

AND

IN THE MATTER OF:









wherein other quotas would not be filled up. In the meantime a circular for 33<sup>rd</sup> BCS examination was published vide a memo no.80.200.046.00.00.016,2012-70 dated 29.02.2012 by respondent no.8 for taking examinations to select persons for 4206 posts in different cadres of Bangladesh Civil Service. He further submits that in the aforesaid 33<sup>rd</sup> BCS circular, no accommodation were made for the persons with disabilities. In clause 24 of the circular it is clearly mentioned that the participants of the 33<sup>rd</sup> BCS examination have to be of extremely sound physical standard and their eye sight must be appropriate. Instead of, in the circular bearing memo no. 05.00.0000.170.07.057.11-15 dated 12.01.2012 allocating 1% quota for PWDs, there was no indication for the persons with disabilities. He next submits that the period for submitting application has already been started on 08.03.2012 and the last date of is on 07.04.2012 and under such circumstances persons with disabilities, with appropriate educational qualifications and otherwise eligible candidates are being denied the opportunity of even applying for employment and in particular has been denied additional support for them to appear in the examination following the principle of Reasonable Accommodation, i.e., physical access for the persons with physical disability, eligible scribe for persons with visual disability. Mr. Shakir lastly submits that without the approval of the authority for availing such facilities it will not be possible for the petitioner to appear in the examination and in view of such scenario the learned Advocate for the petitioner prays for direction from this court.

Ms. Nusrat Jahan, the learned Assistant Attorney General on the other hand submits that there is no bar either in the circular or any way that the person with the disabilities cannot appear in the examination. She next submits that the person with disability must apply to the relevant authorities supply of devices that they need.

We have heard the learned Advocate and Assistant Attorney General and perused the application. Considering the facts and circumstances and the submissions of the parties, we are inclined to allow the application.

Accordingly, the application is allowed.

We hereby direct the respondents to allow the petitioner No.1 and other persons with disabilities, having appropriate educational qualification to sit for





33<sup>rd</sup> BCS examination. The respondents are further directed to ensure reasonable accommodation for the persons with disabilities/persons of special needs having appropriate qualification in the examination halls by providing physical access for persons with physical disabilities and eligible scribes for those persons with visual impairment/disabilities.

Communicate the order at once.

Naima Haider  
Farid Ahmed

Type by: Nurun Nahar  
10.04.2012

Read by:

Exd. by:

৩০/৪/১২  
২০/৪/১২  
১২

প্রত্যয়িত অবিবল প্রতিলিপি

Ahtaruzzaman  
10.4.12

সহকারী রেজিস্ট্রার  
বাংলাদেশ সুলীম কোর্ট, হাইকোর্ট বিডাল  
(১০) ২ ই ২ সনের ১নং অবিবল  
৩৩ পরামর্শে ক্ষমতা প্রাপ্ত

১০.৪.১২

১০/৪/১২