



सत्यमेव जयते

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न्यायालय मुख्य आयुक्त विकलांगजन
COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES
विकलांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities
सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment
भारत सरकार / Government of India

Case No.3041/1014/2014

In the matter of:

Shri Ashwin Jawaharlal Mehta, ७७६
C-6/23, Vidyutnagar Colony,
Old Padra Road, Vadodara-390007

.... Complainant

Versus

Indian Oil Corporation Ltd. ७७७
Through: Chairman,
Corporate Office, Plot No.307913,
Sadiq Nagar, J B Tito Marg,
New Delhi

.... Respondent

Date of Hearing – 22.11.2016 at 1500 Hrs.

Present:

1. Shri Ashwin Jawahar Lal Mehta, Complainant
2. Shri K. Vijay and Shri Goutam Dutta, Indian Oil Corpn. Saduq Nagar, New Delhi

ORDER

The above named complainant file a complaint through email dated 01.11.2014 before the Chief Commissioner for Persons with Disabilities under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the 'Act', regarding non receipt of appointment letter by his son, Bhagyadeep Ashwinbhai Mehta, a person with hearing impairment for the post of Officer/Assistant Officer.

2. The complainant submitted that his son, Bhagyadeep Ashwinbhai Mehta, a person with hearing impairment passed BE (Mech) and GATE 2014. He was shortlisted for the post of Officer/Assistant Officer and appeared for interview and Group Discussion held on 23.06.2014 at IOCL, Mumbai.

3. The matter was taken up with the respondent under Section 59 and Section 33 of the Act vide this Court's letter dated 05.01.2015.

4. The respondent vide letter No.DP/5/5 (Open) dated 06.02.2015 file comments in the matter inter-alia submitted that –

- a) For open recruitment of Officers/Asst. Officers in Indian Oil, all interested candidates are required to appear for GATE Examination and simultaneously apply to Indian Oil online. Short listing of candidates for appearing in GD/GT and interview is done on the basis of GATE score.
- b) In line with the rules and regulations of Government of India, PwD candidates are given relaxation in age and prescribed minimum % of marks in the qualifying degree examination.
- c) The professionals conducting the selection process are suitably briefed prior to conducting the group activities regarding the nature of limitations of each participating candidate so that they make an objective assessment about candidates. It is pertinent to mention that these professionals, conducting the GD/GT are from different universities/institutes and not from Indian Oil Corporation Limited.
- d) Final merit list is prepared duly reckoning the performance of candidates in each stage of selection process – GATE examination, Personal Interview (PI) and GD/GT, 85% weighage is assigned to GATE score, 10% to interview and 5% to GD/GT. However, a candidate is required to qualify through each stage of selection process. The qualifying standard in PI is 4 marks (out of 10) and 40 marks (out of 100) in GD/GT.
- e) To be in the reckoning for final selection, while the candidates belonging to General and OBC (non-Creamy layer) category are required to secure a minimum composite score of 45 marks and the same is relaxed to 40 marks for SC/ST/PwD category.
- f) Sh Bhagyadeep Ashwinbhai Mehta s/o Sh. Ashwin Jawaharlal Mehta, BE (Mech) applied for the position of Officer / Asstt. Officer in Mechanical discipline under PWD (HH) category and was shortlisted on relaxed standards. To participate for further selection process i.e. PI and D/GT.
- g) The score obtained by Shri Bhagyadeep Ashwinbhai Mehta in different components of selection process was as under:

Component of Selection / Total Score	Score obtained (Raw Score)	Weightage	Weighted Score
GATE-2014 score (out of 100 marks)	29.050	85%	24.693
Personal Interview (out of 10 marks)	5.000	10%	5.000
GD/GT (out of 100 marks)	44.000	5%	2.200
Composite Score			31.893

It is evident from above that though Sh Mehta has qualified in different components of the selection process, he could not secure the minimum composite score of 40, for being considered for final merit listing.

- h) The candidate who has been selected, under PwD (HH) category, from Mechanical Engineering discipline obtained the following marks:

Component of Selection / Total Score	Score obtained (Raw Score)	Weightage	Weighted Score
GATE-2014 score (out of 100 marks)	55.310	85%	47.014
Personal Interview (out of 10 marks)	5.700	10%	5.700
GD/GT (out of 100 marks)	58.000	5%	2.900
Composite Score			55.614

It may be noted that the candidate selected under PwD (HH) category from Mechanical Engineering discipline has obtained much higher marks in GATE Examination, which has a weightage of 85%, as compared to the GATE Score of Mr. Mehta. The selected candidate secured composite marks of 55.614 as against 31.839 scored by Sh. Mehta.

5. The complainant vide his emails dated 25.05.2015 and 03.06.2015 has requested Chief Commissioner for Persons with Disabilities to kindly issue judgement directing M/s. Indian Oil Corporation Limited to issue appointment letter to his son Shri Bhagyadeep Ashwinbhai Mehta for the post of Officer/Assistant Officer as he is seeking justice for long time.

6. The respondent vide letter No.DP/5/5 (Open) dated 15.10.2015 further submitted comments on the issue raised by Shri Ashwin Jawaharlal Mehta as under:-

- a) Post the Supreme Court order of December, 2013 on computing 3% reservation on total number of vacancies in the Cadre Strength, 3% vacancies (1% each for OH, VH and HH) were reserved for Recruitment of Engineers through GATE-2014. The discipline-wise vacancies for PwD vis-a-vis the number of PwD candidates actually empanelled from different engineering disciplines were as under:

Discipline	Vancencies for PwD			Candidates Empanelled		
	OH	HH	VH	OH	HH	VH
For Officers (Grade A)						
Chemical	1	1	1	1	0	1
Civil	0	0	1	0	0	0
Comp.Sc	1	0	0	1	0	0
Electrical	1	2	1	1	1	0
Instrumentation	0	0	0	0	0	0

Mechanical	2	2	1	2	1	1
Metallurgy	0	0	0	0	0	0
Sub-Total	5	5	4	5	2	2
For GAEs						
Instrumentation	0	1	0	0	0	0
Civil	1	0	0	0	0	0
Sub-total	1	1	0	0	0	0
For the post of Asst Officers/ Asst Engineers (Grade A)						
Electrical	0	0	1	0	0	0
Mechanical	0	0	1	0	0	1
Sub-total	0	0	2	0	0	1
Grant Total	6	6	6	5	2	3

Note: Reservation has been calculated based on the roster points after plotting the total vacancies in different disciplines.

Thus, the contention of Shri Mehta that no PwD candidate was selected as Asst. Officer is without any ground. In Mechanical Engineering, the vacancy point in Grade A₀ was for VH and 1 candidate from VH category was selected from the discipline as Asst Engineer in Grade A₀.

- b) 'Minimum Composite Score of 40 marks, required for final merit listing' is a policy of Indian Oil Corporation Limited, which is applied uniformly in case of all the reserved category candidates including the PwD candidates. The policy is in vogue for many years and has not been framed for the sake of convincing one candidate.
- c) Shri Mehta in his representation has given his own version of calculation of his son's marks, which as per him should be 61.247. However, we are not aware of any such conversion formula or practice.
- d) It may also be mentioned that Indian Oil is not bound by the passing marks decided by GATE authorities. In order to maintain the minimum standard or intake, the cut-off marks approved by the competent authority in Indian Oil is 35 for Candidates belonging to General and OBC (NCL) and 25 marks for SC/ST and PwD candidates. It may also be informed to Shri Ashwinbhai that the 19.24 marks (as decided by GATE-2014 Examination) mentioned by him as 'Passing Marks' for PwD candidates was also the qualifying marks for SC/ST candidates.
- e) The marks obtained by the candidates who were issued officer of Appointment, from PwD category in different disciplines through GATE-2014 were as under. Since the information is personal in nature, the identity of the candidates have not been revealed while providing the details about them in the table below:

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Discipline	Candidate	Category	GATE-2014 Score (Max 100)	Personal Interview Score (Max 10)	GD/GT Score (Max 100)	Composite Score (Max 100)
Officers in Grade A						
Chemical	A	PwD-OH	46	6	67	48.450
	B	PwD-VH	43	5	53	44.200
Comp Sc	C	Pwd-OH	53.58	4	53	52.193
Electrical	D	PwD-OH	48.34	4.2	57	48.193
	E	PwD-HH	42.92	5	68	44.882
Mechanical	F	PwD-OH	49.97	5	67	50.825
	G	PwD-OH	48.56	5.5	72	50.393
	H	PwD-HH	55.31	5.7	58	55.614
	I	PwD-VH	59.31	6	64	59.614
Asst Officers in Grade A ₀						
Mechanical	J	PwD-VH	61.48	4.1	61	59.408

- f) It may be noted that the candidates have been selected on scoring more than 40 marks in composite. Compared to the above selected candidates from PwD category, Shri Bhagyadeep A Mehta with a score of 29.050 out of 100 in GATE-2014, 5 out of 10 in PI and 44 out of 100 in GD/GT and the composite score being 31.893 out of 100 was much less compared to HH candidate from Mechanical Discipline who was finally selected.
- g) Shri Mehta in his representation has harped on his own assessment about his son that he had given all the answers correctly during personal interview and the marks obtained by him was not upto the mark of his all correct answers. The allegation cannot be accepted in view of the fact that the Selection Committee consisted of 4 Senior Officers of Indian Oil with considerable strength of professional experience.
- h) It may not be out of place to mention that Shri Bhagyadeep A Mehta (IOCL ID 807613 and GATE ID – ME2202IS2008 applied for selection through GATE-2015 in this year also. However, he scored only 22.03 out of 100 in GATE-2015 and thereby GD/GT and pi by Indian Oil.
- i) Indian Oil is committed to implementing the GoI guidelines on reservation for different categories of candidates in letter and spirit. While we wish Sh. Bhagyadeep A Mehta the best of everything in his future endeavours, at the same time we wish to make a humble submission that the candidate could focus his attention on improving his performance in the GATE-Examination so as to gain the competitive advantage and be higher in the merit order for reckoning.

7. Upon considering the reply dated 06.02.2015, 15.10.2015 of the respondent and complainant's emails dated 12.01.2015, 25.05.2015, 03.06.2015, 29.06.2015, 23.07.2015, 30.2015, 08.11.2015, 18.12.2015, 17.02.2016, 18.02.2016, 11.04.2016 and 25.06.2016 and

letters dated nil (received in this Court on 06.04.2015, 23.11.2015, 05.01.2016 respectively) and letter dated 02.07.2016, a hearing was scheduled on dated 22.11.2016.

8. During the hearing the complainant submitted a copy of the Supreme Court's judgement dated 26.03.2014 passed in Writ Petition (Civil) No.116 of 1998.

9. The representative of the respondent also submitted a letter No.DP/5/5 (Open) dated 22.11.2016 and added that Shri Bhagyadeep Ashwin bhai Mehta could not secure the minimum composite marks 40 out of 100 required for PwD candidates whereas the qualifying marks for normal candidate is high. Out of two vacancies for HH candidates for Mechanical Engineering discipline in 2014, one candidate who met the criterion of minimum composite marks, was empaneled for selection as PwD (HH). The candidate who was selected had scored 55.614 marks out of 100.

10. After hearing the party and after perusal of the record available on the file, there does not seem any violation of Persons with Disabilities Act, 1995, Rules or Government instructions and no direction can be given to the respondent.

11. The case is accordingly disposed of.



(Dr. Kamlesh Kumar Pandey)
Chief Commissioner for
Persons with Disabilities

NEW DELHI

FEBRUARY 15, 2017