



सत्यमेव जयते

**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.3776/1031/2015

Dated:-17.08.2016

**In the matter of:**

Shri Manmohan Sharma, १२५०  
38-A, Lane 7, Friends Colony,  
Opp. D.A.V. College,  
Jalandhar-144008,  
Punjab.

..... Complainant

Versus

Dr. B.R. Ambedkar National Institute of Technology,  
Through its Director,  
Jalandhar-144011, Punjab.

..... Respondent

**Date of hearing : 21.06.2016, 04.08.2016**

**Present:**

21.06.2016

1. Shri Manmohan Sharma, Complainant.
2. Respondent absent.

04.08.2016

1. Shri Manmohan Sharma, Complainant.
2. Respondent absent.

**O R D E R**

The above named complainant, a person with 60% locomotor disability filed a complaint dated 25.02.2015 under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the Act regarding reservation of candidates with disabilities in Ph.D (CSE) Programme.

2. The complainant submitted that he appeared for entrance test for Ph.D. (CSE) in Dr. B.R. Ambedkar National Institute of Technology, Jalandhar on 05.06.2014 and declared successful in exam both Full Time and Part Time. He was the only candidate in the persons with disabilities category who qualified the test, but the authorities have not recommended him for the admission in spite of the fact that he fulfill the criteria for admission to Ph.D. in addition to seven years of excellent teaching experience, thesis guidance, research work and Publication of National and International level to his credit. He approached the authorities on 07.08.2014 in person and in writing to review the result and address his grievances but of no avail. He filed a RTI application and in response received vague, incomplete and very irresponsible information after 81 days.

3. The matter was taken up under Section 59 of the Act with the respondent vide letter dated 29.05.2015.

.....2/-

4. The Registrar, NIT, Jalandhar vide reply dated 18.08.2015 inter-alia has submitted that the Institute has not admitted any student with disability for the Ph.D. Programme for the last three years as no candidate from this category has been found suitable and hence not recommended by the respective Departmental Admission Committee (DAC). DAC recommended only 3 from General category, 1 from OBC category and 1 from SC category. Being one and only one candidate in any category is not the sole criteria for the admission. The complainant secured only 36 marks out of 80 and in the interview he managed to secure only 7 marks out of 20 and got 10<sup>th</sup> position overall. Keeping in view his position in the merit list, his name was not recommended for the selection to the respective course.

5. A copy of the reply dated 18.08.2015 received from the respondent was forwarded to the complainant vide this Court's letter dated 02.09.2015 for his comments.

6. The complainant in his rejoinder dated 27.08.2015 has submitted that he is the sole qualified candidate in the disabled category and he should not be compared with that of general category. The complainant has submitted a copy of the qualifying marks obtained by the selected candidates for the said Ph.D. Programme and has alleged that one Shri Tarun Kumar s/o Shri Rabindra Kumar has obtained only 4 marks in interview but has been selected by the Committee.

7. Upon considering the reply dated 18.08.2015 of respondent and the rejoinder dated 27.08.2015 of the complainant, vide letter dated 27.10.2015, the respondent was advised to submit the criteria of suitability for persons with disabilities in the light of the mandatory 3% reservation under Section 39 of the Act. Since no reply was received from the respondent despite lapse of sufficient time, a hearing was scheduled on dated 21.06.2016.

8. On 21.06.2016, none appeared on behalf of the respondent nor any intimation was received about his inability to attend the hearing on 21.06.2016 despite the fact that the Notice of Hearing was sent on 04.07.2016 by Speed Post. This Court noted with serious concern, the utter disregard shown by the respondent by neither intimating his inability to attend the hearing nor caring to appear to explain his version of the case.

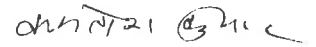
9. The complainant reiterated his written submissions and submit that he appeared for entrance test for Ph.D. (CSE) in the Institute on 05.06.2014 and declared successful in the examination both Full Time and Part Time. He was the only candidate in the persons with disabilities category who qualified the test, but the authorities did not recommend him for the admission in spite of the fact he fulfills the criteria for admission to Ph.D. He approached the authorities on 07.08.2014 in person and in writing to review the result and address his grievances but of no avail. The Institute is not following the reservation policy for persons with disabilities. In the year 2014-15, the Institute admitted 9 candidates instead of 5 candidates.

10. In view of the above, the respondent was directed to submit the copies of the following documents to this Court by 30.06.2016:-

- (i) Criteria for selection of candidates for admission to Ph.D. Programme and UGC Rules.
- (ii) Number of students admitted in Ph.D. Programme during the last 3 years i.e. 2012-13, 2013-14 and 2014-15 and out of which, how many number of students with disabilities admitted in the Ph.D. Programme.
- (iii) The marks of last selected candidate and marks obtained by the complainant.
- (iv) State the reason for non admitting of candidates with disabilities in Ph.D. Programme.
- (v) Whether the provision of Section 39 of Persons with Disabilities Act, 1995 is being followed in letter and spirit by the Institute. The case was next fixed for hearing on 04.08.2016.

11. On 04.08.2016, the complainant reiterated his written submissions and submitted that for getting the relief at the earliest, he has also filed a CWP-27399-2015 in the Hon'ble High Court of Punjab & Haryana at Chandigarh. The application is still pending in the Hon'ble High Court, which is now fixed for further hearing on 22.08.2016.

12. After hearing the complainant on 04.08.2016 and considering the reply dated 14.07.2016 of the respondent, whereby the respondent has submitted that the complainant has filed CWP-27399/2015 in the Hon'ble High Court of Punjab and Haryana at Chandigarh, this Court is of the view that parallel proceedings cannot be run in this Court. Hence, the case is disposed off without giving any direction to the respondent.



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

N.O.O.:

Copy to : Record File.