



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.4267/1011/2015

Dated: 24.01.20177

In the matter of:

Shri Pratap Singh Bist, 0692
General Secretary,
Sambhavana Organization,
350, Pocket V, Sector 2,
Rohini, Delhi - 110085.
sambhavana.group@gmail.com

..... Complainant

Versus

Jawaharlal Nehru University, 0693
Through the Registrar,
New Mehrauli Road,
New Delhi-110067.

..... Respondent

Case No. 7147/1011/2016

Dr. G.N. Karna, 0694
Research Officer,
Jawaharlal Nehru University,
School of International Studies,
New Delhi-110067.

..... Complainant

Versus

Jawaharlal Nehru University, 0695
Through the Registrar,
New Mehrauli Road,
New Delhi-110067.

..... Respondent

Case No. 7489/1014/2017

Dr. Kedar Kumar Mandal, 0696
B-10/1090, Baba Colony,
Burari, Delhi-110084

..... Complainant

Versus

Jawaharlal Nehru University, 0697
Through the Registrar,
New Mehrauli Road,
New Delhi-110067.

..... Respondent

Date of Hearing :, 23.01.2017

Present :

23.01.2017

1. Shri Pratap Singh Bist, Complainant alongwith Shri Nikhil Jain and Shri Lokesh Gupta
2. S/Shri Jagdish Singh, Assistant Registrar, Sanjay Kumar, Assistant Registrar, Anil Bajaj, Section Officer, M. Sabir Chauhan, Section Officer, Kumayil Ahmed, Sr. Assistant on behalf of Respondent

....2/-

O R D E R

The above named Complainant, Shri Pratap Singh Bist, General Secretary, Sambhavana Organization filed an E-mail complaint dated 04.05.2015 under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the Act regarding non implementation of provisions of Persons with Disabilities Act, 1995 by the Jawaharlal Nehru University (JNU), New Delhi.

2. The complainant has submitted that JNU has violated the PH roster in its advertisement No. RC/50/2015 in the following way: (1) It has not earmarked post for any particular category of Disabled such as VH, OH and HH, rather it has asked all categories of disabled to apply on one seat which is a clear violation of the Disability Roster. (2) the number of seats earmarked as reserved for the PwDs for the post of Associate Professor is lesser than 3 per cent quota as per the total vacant posts mentioned in the present advertisement. (3) It is important to mention here that JUN has consistently been violating the 3% reservation of the PwDs which has created a huge backlog. Interestingly, there are backlog seats given for the SC and ST in the present advertisement but regrettably no seat has been given to disabled.

3. The matter was taken up with the Vice Chancellor, Jawaharlal Nehru University vide this Court's letter dated 26.05.2015.

4. The respondent vide letter dated 26.06.2015 has submitted that University had advertised three posts of PwDs by indicating the particular category (VH/OH/HH), at the level of Assistant Professor, Associate Professor and Professor and the University is making all efforts for filling up the posts irrespective of the category either Unreserved, SC, ST, OBC or PH category. After the process of short listing/selection committee of the posts held, where no suitable candidate has been found, the University is re-advertising the post. As regard the backlog vacancies of PH category, the University had advertised around 22 faculty positions as a Special Recruitment Drive (for PH category only). Out of the said 22 backlog vacancies (PH) mentioned above, 08 faculty positions have been filled up and the process of re-advertising the 09 vacancies which have completed the rotation/cycle of three recruitment years is under process of re-advertising as per rules and for the remaining 05 faculty positions, the process of screening of applications is underway.

5. The complainant vide counter rejoinder e-mail dated 23.08.2015 has inter-alia submitted that they have not provided any information about the number of advertisements they have issued and how many persons with disabilities applied and recruited on the basis of that. They requested to provide the required information alongwith the documentary proof.

6. The copy of the counter rejoinder was forwarded to the JNU and JNU vide letter dated 03.12.2015 has reiterated his earlier view. In this connection, it is submitted that JNU is not providing the required documents as desired by the complainant and also not providing roster in order of establishment their date of backlog vacancies.

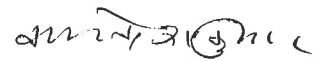
7. Upon considering the respondent's letters dated 26.06.2015, 03.12.2015 and complainant's e-mail dated 23.08.2015, a hearing was scheduled on 05.04.2016 and thereafter on 06.05.2016, 11.08.2016, 21.11.2016, 05.01.2017, 20.01.2017 and 23.01.2017

8. During the hearing on 23.01.2017, the complainant reiterated his earlier submissions and submitted that so far as the matter of relaxing condition for the post of Associate Professor and Professor is concerned, it is prayed before the Court to consider Para 22 of the DoP&T's O.M. No.36035/3/2004-Estt.(Res) dated 29.12.2005 and the judgment dated 03.03.2014 [WP(C)5865/2011] in the case of Akhilesh Kumar Versus University Grants Commission & Ors. of the Hon'ble Delhi High Court should be made as a reference point. He also requested to direct the respondent to provide the specified time frame in which they would fill up the posts for Associate Professor and Professor in the University. The respondent while submitting the copy of the roster from 01.01.1996, would also furnish with a documentary evidence i.e. copies of the advertisements from 01.01.1996 till date.

9. The representative of the respondent with regard to the last hearing held on dated 20.01.2017 submitted that the University has prepared a document which is submitted before the Court citing the minimum qualifications as laid down in the advertisement vis-à-vis criteria adopted by the Screening Committee for short-listing the candidates. It was submitted that out of 26 candidates for the post of Assistant Professor, only 11 candidates have been called for interview scheduled to be held on 31.01.2017. The observations of the Hon'ble Court shall be put up to the Competent Authority as regards to call all the eligible candidates as per the minimum qualifications advertised in the advertisement. The observations of the Hon'ble Court shall be brought to the notice of the Competent Authority for a decision on re-casting the PwD roster from 01.01.1996 and the Hon'ble Court shall be apprised of the decision of the Competent Authority and the compliance report/action taken shall be intimated to the Court accordingly.

10. After hearing the parties and perusal of the record available on the file, this order is restricted to the selection of Assistant Professor. The respondent is directed to further relax the criteria adopted by the Screening Committee for short-listing the candidates and call all the eligible candidates as per the minimum qualifications advertised in the advertisement and then conduct the interview accordingly. The roster prepared by the JNU is not as per the DoP&T's O.M. and accordingly the Court is of the view that the Roster should be prepared from 01.01.1996 as per DoP&T's O.M. and submit the same in this Court within 90 days. After this, the final hearing of the case will be decided.

11. Order accordingly.



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