



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.4351/1031/2015

Dated: 21.09.2016

In the matter of:

Shri Rashid Rahbar,
B-101, Kanchan Kunj,
Madanpur Khadar Extn., Part-2,
New Delhi-110076.
E-mail-rashidrahbar@gmail.com
Versus

..... Complainant

University of Delhi,
Through.: Registrar,
Delhi-110007.

..... Respondent

Date of Hearing : 05.08.2016, 16.09.2016

Present :

05.08.2016

1. Complainant absent.
2. Shri Saurabh Banerjee, Advocate, on behalf of Respondent.

16.09.2016

1. Complainant absent.
2. Shri Saurabh Banerjee, Advocate, on behalf of Respondent.

ORDER

The above named complainant, a person with 70% locomotor disability filed complaint dated 18.05.2015 under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the Act regarding denial of admission in Ph.D Programme in Faculty of Management Studies (FMS) under 3% reservation for persons with disabilities.

2. The complainant has submitted that he qualified UGC-NET in Management in 2012. In 2013, he was selected for UGC-Rajiv Gandhi National Fellowship for students with disabilities. He applied for Ph.D admission in 2015 in Faculty of Management Studies (FMS), he was called for interview on 09.05.2015. While he was showing his testimonials including his disability certificate, the concerned staff told him that his disability certificate was not required as there is no reservation for persons with disabilities in Ph.D admission. He has also submitted that on 11.05.2015, a list of 25 provisionally selected candidates was brought out on FMS website and he was not selected under 3% reservation for persons with disabilities.

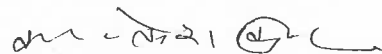
....2/-

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E-mail: ccpd@nic.in ; Website: www.ccdisabilities.nic.in

(कृपया भविष्य में पत्राचार के लिए उपरोक्त फाईल/केस संख्या अवश्य लिखें)
(Please quote the above file/case number in future correspondence)

3. The matter was taken up with the respondent vide this Court's letter dated 29.05.2015 followed by reminders dated 06.11.2015 and 13.06.2016.
4. During the hearing on 05.08.2016, none appeared on behalf of the complainant nor any intimation received about his inability to attend the hearing on 05.08.2016 despite the fact that the Notice of Hearing was sent on 18.07.2016 by Speed Post. The 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 versions of the case.
5. The Counsel appearing on behalf of the respondent submitted that he has received the copy of the Notice alongwith a bunch of 50 documents from the University of Delhi on 03.08.2016 at 06.00 P.M. and hence could not able to file reply on behalf of respondent. The Counsel has requested for four weeks time for filing the reply and to argue the matter. The request of the respondent was accepted and the case was adjourned to 16.09.2016.
6. During the hearing on 16.09.2016, none appeared on behalf of the complainant nor any intimation received about his inability to attend the hearing despite the fact that the Record of Proceeding was sent on 16.08.2016 by Speed Post. The 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 versions of the case.
7. The Counsel appearing on behalf of the respondent submitted a copy of reply of the respondent, which was taken on record. He further submitted that it is very categorically mentioned in the FMS Bulletin of Information-2015 that total number of intake of Ph.D students shall be decided depending upon the vacancies available with the faculty members at the time of admission and suitability and research aptitude of the candidates". Relevant brief of all documents have already been filed alongwith the reply to show that there has been no violation of any sort by the respondent-University of Delhi. Accordingly, the case may be disposed off.
8. After hearing the parties and perusal of record available on the file, the Court observed that the respondent is giving 3% reservation for persons with disabilities in admission in Ph.D programme in Faculty of Management Studies (FMS) and there does not seem any violation of Persons with Disabilities Act, 1995 or Government instructions. Therefore, the case is disposed off without any direction to the respondent.



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