



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.5850/1011/2016

Dated: 08/12/2016

In the matter of:

Shri Manish Gautam
Dy. Director (Legal)
Association for the Rights of Disabled Persons
BK-2/94, Shalimar Bagh
Delhi - 110 088

D588

..... Complainant

Versus

University of Allahabad
(Through the Registrar)
Allahabad - 211 002

D589

..... Respondent

Date of hearing : 26/10/2016

Present :

1. Shri Manish Gautam, Complainant
2. Prof. Anupam Dikshit, Director, Faculty Recruitment Cell, University of Allahabad (Respondent)

ORDER

The above named complainant has filed a complaint dated 02/02/2016 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 Act regarding 3% reservation to persons with disabilities for the post of Assistant Professor, Associate Professor and Professor in several discipline in the University of Allahabad.

2. The complainant has submitted that University of Allahabad has published an advertisement No. 01/2016 dated 02/02/2016 for the teaching posts i.e. 157 posts of Assistant Professor, 84 posts of Associate Professor and 49 posts of Professor in several discipline. University has only mentioned that they can give 3% seats in any of the subject depending on the availability of the suitable candidates in PH category. In this way, chances of several discrimination/biasness may be happens with particular subject or sub-category. He also stated that the university is still not advertised backlog vacancy as per Hon'ble High Court instruction (3% posts/seats may be calculated on total strength of cadre/post/vacancy). Further, the Nomenclature of the sub-categories of persons with disabilities is also wrongly interpreted in General instruction No. IV of the said advertisement. University used OH, HI, PH instead of OH & VH because teaching post is not identified for HI/HH. Hence, 3% seats must be equally distributed among OH & VH.


Contd. P/2

- 2
3. The matter was taken up under Section 59 of the Act with the respondent vide Court's letter dated 16/02/2016 followed by reminder dated 06/05/2016
4. The Respondent vide their letter No.05/R/373/2016 dated 19/05/2016 submitted that keeping in view the Government of India Rules regarding 3% reservation to persons with disabilities, the university in the past has always made efforts to provide opportunity for interview to candidates belonging to PH category for the post of Assistant Professor, Associate Professor and Professor in each and every subject after going through the process of screening as per the Ordinance XII: Selection Committee for Appointment of Teachers, of the First Ordinances of the University of Allahabad. The University could be able to appoint suitable PH candidates in various Departments/Centres/Institutes against SC/ST/OBC/Gen category. The university in this way has not only ensured 3% reservation to PH candidates but has also absorbed all the PH candidates found suitable by the Selection Committee constituted under Statute 15 of the Statutes of the University of Allahabad against different posts lying vacant in various units of the university. Further, the university will strictly proceed to follow Govt. of India Rules regarding 3% reservation to PH candidates in different cadre/subject of the University of Allahabad at the time of appointment.
5. The complainant vide rejoinder dated 12/08/2016 has inter-alia submitted that the university has still not filled the reserved seats for persons with disabilities, however, as per DoP&T OM No. 36012/39/2014-Estt (Res) dated 25/05/2015 and the Hon'ble Supreme Court in its interim order dated 28/04/2015 in Contempt Petition No.499/2014 in Civil Appeal No. 9096/2013 of National Federation of Blind had been directed to filling up the vacant/backlog vacancies of persons with disabilities in the time bound manner till 30/12/2015 but the University is ignoring the Court's order. He has also requested for personal hearing in the case.
6. Upon considering the reply dated 19/05/2016 of the respondent and complainant's rejoinder dated 12/08/2016, the hearing was scheduled on 26/10/2016.
7. During the hearing on 26/10/2016, the complainant reiterated his earlier submissions and stated that University of Allahabad is not providing 3% reservation to persons with disabilities in teaching posts, hence, not implementing Section 33 of the Act. The complainant has also provided a copy of the Order dated 14/10/2016 in Case No.6053/1011/2016 as the facts and issues raised in the case are similar and the respondent is the same i.e. University of Allahabad.
8. Prof. Anupam Dikshit, Director, Faculty Recruitment Cell, University of Allahabad has apprised the Court that a Committee has been constituted vide Notification No.05/R/788/2016 dated 04/10/2016 and partially modified vide Notification No. 05/R/792/2016 dated 05/10/2016 to review the Advertisement No.01/2016 dated 02/02/2016 & AUTBL/01/2016 dated 07/06/2016 for appointment of

teachers in University of Allahabad in pursuant to W.P. No. 43070/2016 filed in the Hon'ble High Court of judicature at Allahabad. He also provided a copy of the minutes of the meeting of the Committee held on 06/10/2016 & 14/10/2016 wherein the Committee recommends to withdraw the advertisements No. 01/2016 dated 02/02/2016 & AUTBL/01/2016 dated 07/06/2016 for appointment of teachers in University of Allahabad.

9. Upon hearing both the parties, the case is disposed off with the following directions to the respondent:-

- (i) University of Allahabad to re-advertise the vacancies including 3% reservation of the post cadre-wise and category-wise.
- (ii) Prepare the Reservation Roster w.e.f. 01/01/1996 as per DoP&T's instructions.
- (iii) Compute the backlog of vacancies and fill the vacancies by conducting Special Recruitment Drive in a time bound manner.
- (iv) Advertisement should be made as per DoP&T's OM dated 29/12/2005 and subsequent OMs issued by DoP&T from time to time in this regard.


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