



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.6054/1031/2016

Dated 22.03.2017

**In the matter of:**

Dr. Anil K. Aneja, *D877*  
Vice President  
All India Confederation of the Blind,  
Braille Bhawan (Behind Rajiv Gandhi Cancer Hospital),  
Sector-5, Rohini, Delhi-110065

... Complainant

**Versus**

*D878*  
National Institute of Mental Health And Neuro Sciences,  
Through: Director,  
Hosur Road, Bangaluru-560029

.... Respondent

**ORDER**

Dr. Anil K. Aneja, a person with 100% visual impairment, Vice President, All India Confederation of the Blind, Delhi filed a complaint dated 08.03.2016 regarding violation of Section 39 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the 'Act', by National Institute of Mental Health And Neuro Sciences (NIMHANS), in admission to various medical and non-medical courses for the academic year 2016-17.

*KC*  
2. Dr. Anil K. Aneja has inter-alia submitted that National Institute of Mental Health and Neuro Sciences (NIMHANS), Bangalore in their prospectus indicated 285 seats available for admission to various courses of medical and non-medical courses for academic year 2016-17. As per provision @ 3% reservation, at least 9 seats ought to have been reserved for persons with disabilities, but no such reservation was provided. On taking up the matter by AICB in the case of one of the aspirants' admission in M.Phil, NIMHANS vide letter dated 28.12.2015 declined the request and stated that one seat is reserved for persons with disabilities in alternate year. The complainant requested that as the admission process was going on, immediate direction be issued to NIMHANS not to conduct any admission for the academic year 2016-17 without reserving at least 3% seats for persons with disabilities out of which 1% should be for persons with visual impairment. He also requested that persons with disabilities appearing in the entrance tests/examinations be provided all the required facilities such as scribe, extra time, etc.

3. The matter was taken up under Section 39 and Section 59 of the Act with the Director, NIMHANS, Bengaluru vide this Court's letter dated 27.05.2016.

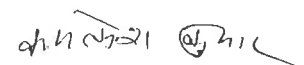
4. The Registrar, NIMHANS vide letter dated 19.07.2016 intimated that the number of PG seats is limited and to comply with the 3% reservation the institute adopted rotation system from academic year 2012-13 wherein one seat is reserved every second year subject to the candidate qualifying in the Entrance Test in the identified courses, namely, MD in Psychiatry; M.Phil in Clinical Psychology, M.Phil in Psychiatric Social Work. As the number of seats was very limited, they could not accommodate 3 candidates for every 100 seats and most of the seats are superspeciality and Ph.D's. The Medical, M.Phil's and M.Sc's seats account only to 83 and therefore the above system is followed where the seats for MD Psychiatry are 29 per year, M.Phil Clinical Psychology are 18 per year and M.Phil in Psychiatric Social Work are 18 per year. This year a total of 17 candidates applied under PwD category, out of which only one candidate qualified in the Entrance Test and the seat was offered in M.Phil in Psychiatric Social Work course.

5. In his rejoinder dated 13.10.2016 to the reply of respondent, the complainant submitted that respondent admitted non-compliance of minimum 3% reservation in admission as they could not accommodate 3 candidates for every 100 seats for most of the seats are superspeciality and Ph.Ds. The Act and rules there under do not contain any provision for any educational institution nor are the superspeciality seats excluded from reservation for persons with disabilities. Out of total 83 seats, the respondent admitted one candidate with disability who qualified the entrance test on general standards. It is a settled law that those admitted on the basis of general standards, cannot be counted towards reservations. Therefore, respondent did not provide reservation in admission for persons with disabilities, which caused serious backlog denying the educational opportunities for many persons with disabilities. The complainant requested that respondent be directed to provide course-wise reservation for persons with disabilities by admitting total 3 such persons in the year to comply with Section 39 of the Act.

6. Accordingly, the matter was discussed with the complainant in the light of the reply filed by NIMHANS, followed by rejoinder submitted by complainant through email dated 13.10.2016.

7. Based on the discussion and reply filed by the respondent organisation, it is advised to respondent organisation to maintain 3% reservation to persons with disabilities in the total number of seats in future. However, if complainant is referring any particular case, the same shall be considered sympathetically by respondent organisation for the session 2016-17.

8. Accordingly, matter is disposed off.



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