



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. 6720/1031/2016

Dated 08.05.2017

In the matter of:

Shri Virender Singh <sup>R1136</sup>  
Room No.43, P.G. Men's Hostel,  
Delhi University, Delhi – 110007  
Email – [virendercie@gmail.com](mailto:virendercie@gmail.com)

.... Complainant

*Versus*

Delhi University,  
Through: Registrar, <sup>R1137</sup>  
Delhi-110007

.... Respondent

Date of Hearing: 13.02.2017 and 20.03.2017

PRESENT

13.02.2017:

1. Shri Virender Singh, Complainant
2. Dr. Anil K. Aneja, Nodal Officer, PwDs and Shri Morice T.E., D.R., CIE, Adv.  
Prince Antony on behalf of respondent

20.03.2017:

1. None appeared on behalf of complainant.
2. Dr. Anil K. Aneja, Nodal Officer, PwDs and Shri Morice T.E., D.R., CIE on behalf of respondent

ORDER

The complainant, a person with 100% visual impairment filed a complaint dated nil (received on 05.08.2016) under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the 'Act', regarding denial of persons with visual impairment for admission to M.Phil and Ph.D. in University of Delhi.

2. The complainant submitted that he had applied for both M.Phil and Ph.D. in the Faculty of Education, University of Delhi. The Department published the result of M.Phil. and Ph.D. on 03.08.2016, but no student of visual impairment appeared in the list for any of the courses. The complainant vide representation dated 23.08.2016 further submitted that he argued the matter with the Head of the

Department or Admission Convener, who told that there is no provision of reservation for VH candidates in M.Phil or Ph.D. The complainant alleged that though he stood first in the merit list of PwD candidates of M.Phil and third in Ph.D. list, yet the Department was not ready to give him admission.

3. This Court vide letters dated 06.09.2016 and 02.11.2016 took up the matter with the respondent under Section 59 of the Act.

4. The complainant vide letter dated 18.10.2016 forwarded a copy of the letter No.CIE/2016/2010 dated 24.08.2016 of Faculty of Education, University of Delhi and alleged that the University have no any merit and admissions were taken on the basis of interview.

5. The respondent in their reply vide letter No.CIE/Ph.D. Admission/2016/2652 dated 28.11.2016 forwarded the list of candidates recommended for admission to M.Phil and Ph.D programmes and submitted that as per the Ordinance VI-B Clause C, Category II dated 12<sup>th</sup>/17<sup>th</sup> February, 2016, there was no entrance test for the candidates who qualified NET. The candidates were called directly for the interview for both M.Phil and Ph.D. The complainant, Mr. Virender Singh did not qualify for the admission to either M.Phil or Ph.D programmes-July, 2016.

6. In his rejoinder dated 30.12.2016, the complainant submitted that Hon'ble Supreme Court allows to award maximum 25% marks for all types of selections including admissions in Government and autonomous institutions only on the basis of interviews but the respondent set up 100% criteria for admission on the basis of interview. Referring to the list provided by the respondent, the complainant submitted that it is not clear which category of candidates with disabilities were taken into consideration, what were the criteria of their admission and whether they were NET qualified or otherwise. It is not clear from the list whether any weight was given to the NET qualified person on the basis of their percentage or marks while deciding their merit.

AC

7. Upon considering the reply dated 28.11.2016 of the respondent and comments/rejoinder dated 18.10.2016 and 30.12.2016 of the complainant, the case was scheduled for hearing on 13.02.2017.

8. During the hearing, the complainant reiterated his written submissions and submitted that respondent may kindly be asked to submit a data based admission list w.e.f. 1996 till date before this Court so that the policy regarding admission of PwD

may be analyzed well and their discriminatory attitude may be synthesized. He further submitted that there is judgement of the Hon'ble Supreme Court on the marks of the interview.

9. Representing the respondent – University of Delhi, the Nodal Officer, PwD, Delhi University submitted that the University is fully complying with Section 39 of the Act in letter and spirit. With regard to the present specific matter in reference, it was stated that in M.Phil Programme, there were 20 seats and, therefore, one seat to a PwD candidate falling on No.1 in the PwD Merit List was granted on a supernumerary seat. Similarly, in the Ph.D. Programme, there were 12 seats and the candidate falling on No.1 in the PwD Merit List was granted admission on a supernumerary seat. Thus the requirement of 3% reservation was fulfilled. The Nodal Officer, PwD further submitted that in the event of a person on whom the Entrance Test is not applicable, interview becomes the only method of marking, which is on consonance with law. He further stated that Shri Virender Singh secured the last position in the Merit List of PwD, both in respect of the M. Phil and Ph.D. Programmes in Education. As the University has fulfilled the requirement of 3% reservation for PwD as per Section 39 of the Act, the case is liable to be dismissed in favour of the University.

10. After hearing the parties, this Court directed the respondent to submit a list of PwD candidates admitted in M.Phil and Ph.D from 1996 to till date. The complainant was also directed to submit a copy of the judgement which he called during the course of hearing regarding marks for interview. The next date of hearing was fixed for 20.03.2017.

11. During the hearing on 20.03.2017, the Nodal Officer representing the respondent submitted Award list of PwD candidates called for interview for admission to M.Phil and Ph.D. Programmes respectively as under:-

For admission to M.Phil Programme

S.No.	Name	Father's Name	Marks (25)
1	Sadhna Kumari	Mahender Prasad Chaurasia	20
2	Shweta Seth	Sadhna Verma	15
3	Virender Singh	Kirodi Mal	4

For admission to Ph.D. Programme

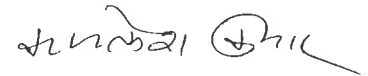
S.No.	Name	Father's Name	Marks (25)
1	Usha Malhan	Sukhwanti	20
2	Vinod Kumar A	Anandan	20
3	Om Mishra	Kashi Ram Mishra	18
4	Sadhna Kumari	Mahender Chaurasia	17

5	Mumtaj	Shahjahan Khan	7
6	Virender Singh	Kirodi Mal	4
7	Mohd. Akhtar Raza	Mahtab Khatoon	ab
8	Anurag Chaunan	Ghanshyam Chauhan	ab
9	Rajiv Kumar	Krishna Dev Prasad	ab

12. The Nodal Officer contended that the University fully complied so far as the reservation for persons with disabilities under Section 39 of Act is concerned. All candidates figuring in the merit list both for M.Phil and Ph.D. Programmes of the Department of Education for the Academic Year 2016-17 were given admission. One candidate each for M.Phil and Ph.D. Programme was given admission in PwD quota. The complainant secured only 4 marks in interview out of 25 marks each in M.Phil and Ph.D Programme which are far below even in PwD list. When there is one seat reserved in a particular course preference is given to the top candidates in the PwD merit list. However, an attempt is always made to maintain the PwD quota. In view of this, the Nodal Officer prayed that the case may be dismissed as having no merit.

13. In view of the facts submitted above, this Court observes that the complainant did not stand first as claimed. He could secure only 04 marks in interview for admission to both M.Phil. and Ph.D. and could not qualify. There appears no violation of the provision of the Act and, therefore, no direction can be given to the respondent.

14. The case is accordingly disposed off.



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