



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. 7215/1013/2016

Dated: 27 July, 2017

In the matter of:-

Shri Jyoti Prakash Nayak
Plot No. 73/3, Ekamra Marg
Unit - 6, Bhubaneswar - 751001

Complainant

Versus

Institute of Physics
Through Director
An Autonomous Research
Institute of Department of Atomic Energy
P.O. Sainiki School, Bhubaneswar - 751005

Respondent

Date of Hearing: 07.06.2017 & 17.07.2017

Present on 17.07.2017

1. Complainant absent
2. Shri Rushi Kumar Rathi, Registrar and Mr. V. Vanjeeswaran, A.O. on behalf of Respondent.

ORDER

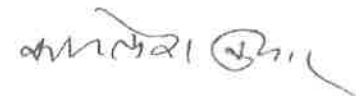
The above named complainant Shri Jyoti Prakash Nayak had filed a complaint dated nil under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act 1995, hereinafter referred to as the Act regarding non filling of post under reserved category for hearing handicapped by Institute of Physics.

2. The complainant in his complaint submitted that he had been short listed for the post of Scientific Assistant - B in Institute of Physics, an Autonomous Institute under Department of Atomic Energy, Govt. of India and he was the only eligible candidate for the post. He further submitted that the interview for the post was held on 24.10.2016 and in spite of his eligibility for the post, the respondents were not willing to appoint him because of his deafness.

3. The matter was taken up with the respondent vide letter dated 14.12.2016 under Section 59 of the contemporary Act and upon considering the respondent's letter dated 19.01.2016 and complainant's letters dated 23.03.2017 & 24.03.2017, it was decided to hold a personal hearing in the matter. Accordingly, the case was listed for hearing on 07.06.2017.

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4. On the date of hearing on 07.06.2017 the advocates appeared on behalf of the complainant and reiterated the earlier submission of Shri Jyoti Prakash Nayak and also filed a written reply dated 07.06.2017 during the hearing. They stated that though the complainant is suitable candidate for the post, the selection committee of the respondent Institute found him unsuitable for the post on 24.10.2016 without proper assessment and interview. Whereas, the same Selection Committee had found the complainant suitable for the same post on 30.12.2016. They stated that the respondent Institute with the motive of not giving employment to the complainant has carried forward and re-advertised the post in the next year. Complainant again applied for the post and being eligible he got shortlisted for the post and attended "the interview and skill test. But, Selection Committee again intentionally empanelled the complainant at Sl. No. 2 in the merit list to deprive the complainant of the employment. Further, they requested the Chief Commissioner to issue direction/order to the respondent Institute to provide employment to the complainant against the existing vacancies in the Institute. During the hearing the representative of the respondent reiterated their submission before the Court furnished vide letter dated 19.01.2016 and stated that as there was no stay from the Court of Chief Commissioner for Persons with Disabilities and the Hon'ble Supreme Court's directions to fill up the posts by 31.12.2016, the post was re-advertised. They further stated that the candidate at Sl. No. 01 i.e. Shri Jyoti Ranjan Behera has also joined the post.
5. After hearing both the parties, the respondent was directed to submit the following information to this Court: (i) Constitution of the Selection Committee (ii) Copy of the Disability Certificate of Shri Jyoti Ranjan Behera (iii) Justification for completing the selection process in such a short span of time.
6. The case was re-scheduled for hearing on 17.07.2017.
7. During the hearing on 17.07.2017, representative of the respondent submitted the desired information i.e. Constitution of Committee, copy of the disability certificate of Shri Jyoti Ranjan Behera & justification for completing the selection process in short span of time. After perusal of the documents, it has been found that reply of the respondent is satisfied, therefore, no further intervention in the matter is considered necessary. The matter is treated as closed.
8. The case is disposed off.



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