

In the Court of Commissioner for Persons with Disabilities
25- D, Mata Sundari Road, Near Guru Nanak Eye Centre, New Delhi-2
Phone-23216002-4 Telefax: 23216005
Website: www.discomm.delhi.gov.in : Email : comdis.delhi@nic.in
[Vested with power of Civil Court under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995]

Case No. 4/864/2014-Wel./CD

1959-60

Dated:

20.10.15

In the matter of :

Dr.R.Balasubramaniam

12/45, Thiyagi Natesan Street No.2

Ammamet, Salem 636003

Tamil Nadu

..... **Petitioner**

Versus

Smt.Poonam Verma

Principal

Shaheed Sukhdev College of Business Studies

University of Delhi

Vivek Vihar Phase-II

Delhi-110095

..... **Respondent**

ORDER

1. A representation filed by Dr.R.Balasubramaniam a disabled person alleged that cadre based reservation for persons with disabilities was not being followed by Shaheed Sukhdev College of Business Studies University of Delhi as the notification issued by the Nodal Officer on 26.4.14 a post was shown reserved for Persons with Disabilities category whereas in the revised list the same post was shown belonging to a General category. Further in the notification issued for interviews the post was again shown in the General category. The petitioner therefore contended that he should be declared a successful candidate and the concerned officer of the College directed to appoint him as Assistant Professor from the date selection was made in the above mentioned recruitment process with all consequential benefits.
2. The representation was forwarded to the Principal Shaheed Sukhdev College of Business Studies requesting her to file her comments on the representation. As per the reply received from the Principal of the College the post reserved for persons with disabilities had already been filled up in June 2010 and therefore the representation given by the petitioner cannot be accepted. In any case the petitioner did not even appear before the

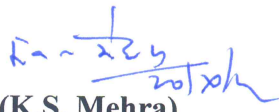
Selection Committee which is mandatory for appointments in the College. The Administrative Officer of Shaheed Sukhdev College of Business Studies forwarded a copy of 100 point reservation Roster Register (Teaching Staff) for persons with disabilities in which Point No. 12 is adjusted against Point No.34 whereas Point No.1 reserved for visually impaired person is shown filled up by Dr.Poonam Verma Principal of the College. The College authorities were therefore advised to adjust Point No. 12 against Point No.1 in the Roster Register for offering the post to a Visually Impaired Person. The adjustment of Point No.12 against Point No.34 is not in consonance with the guidelines contained in the Office Memorandum No. 36035/3/2004-Estt.(res.) dated 29.12.2005 issued by Department of Personnel and Training. The Principal of the college however stated that they are governed under the rules of the University of Delhi and they have one backlog vacancy (VH) since inception of the college but due to non availability of suitable candidates it could not be filled up. The said vacancy was filled up in 2010 by a disabled candidate of the orthopaedic category (OH) as per the judgment in the case of Sambhavana Vs Delhi University & Ors WP (C) 16258/2006 conveyed by the University of Delhi vide letter No.CB-1/PH-Advt.195/200826992 dated 22/23 September 2008. The Principal informed that a Roster Register has been maintained for providing reservation to persons with disabilities in the cadre of the Assistant Professor. The posts of Associate Professors are promotional posts and there is no reservation for persons with disabilities to Group A promotional posts. There is no need to maintain a Roster Register for the post. The contention of the petitioner that the college is not maintaining a Roster Register is therefore not correct. There were 13 Assistant Professors working in the College on permanent posts with one from the category of persons with disabilities as indicated in the advertisement no.001/2014 dated 17.2.14 issued by the college. The advertisement had been issued for filling up 20 vacancies of various posts in the cadre of Assistant Professor and even if all the 20 advertised vacancies were filled the number of teachers working in the posts of Assistant Professor would be 33 which would imply that there should be one teacher from the category of persons with disabilities in the College. And since one person with disability has already been appointed in 2010 it was not possible to reserve one more post for this category and therefore the contention of the petitioner is baseless and devoid of merit. The petitioner was treated as General candidate as there was no reservation in the advertisement under reference and he was called for interview but he did not appear and therefore he has no right to challenge the recruitment process. The Principal of the College further stated that in pursuance of the judgement of Hon'ble

Supreme Court of India in Civil Appeal no.9096/2013 the 100 point vacancy Roster Register for Persons with Disabilities has been reworked by the college and it has been duly approved by the Nodal Officer for persons with disabilities of the University of Delhi. As per the roster a vacancy for the Visually Impaired Persons in the Department of Management Studies will be advertised by the College at an appropriate time.

3. I have meticulously gone through the records of the case. It is a fact that the petitioner did not appear before the Selection Committee for the interview for selection in the post of Assistant Professor and therefore there is no merit in the grounds mentioned by the petitioner for challenging the selection made by the College pursuant to the advertisement as stated above. The College had already recruited one OH person as per the directions of the University. The second vacancy should be earmarked for the persons with disabilities with Visual Impairment against point no.34 of the Roster Register. In conclusion I do not find any merit in contention of the petitioner.
4. The case is disposed of accordingly.

Given under my hand and the seal of the Court this 20th day of October, 2015.




(K.S. Mehra)
Commissioner

Court of Commissioner (Disabilities)
National Capital Territory of Delhi
Room No. - 1
25-D, Mata Sundari road, New Delhi-02