

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. 4/720/2014-Wel./CD

1932-33

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

Prof. Jatin Bhatt

Registrar

Ambedkar University of Delhi
Lothian Road, Kashmere Gate
Delhi-110006

..... **Respondent**

ORDER

1. A representation dated 03.03.2014 of Dr. R.Balasubramaniam was received through the Chief Commissioner for Persons with Disabilities on 09.09.2014 regarding non-issuing of interview letter to him for the post of Deputy Registrar by Ambedkar University Delhi. The petitioner in the representation stated that the marks awarded by the Screening Committee were not intimated to him and there was no transparency in the shortlisting process. He was called for personal interview on 24.11.2014 vide Ambedkar University of Delhi letter dated 10.11.2014. The University did not follow the instructions contained in Para 22 of Department of Personnel and Training Office Memorandum dated 29.12.2005 with regard to relaxation of standard of suitability. The posts reserved for persons with disabilities are secretly earmarked to be filled with general candidates or by deputation/ contractual/ absorption/temporary basis. A fresh advertisement dated 01.12.2014 was again issued for recruitment for the post for which he attended the personal interview. The petitioner requested to consider the following points : There should be a Nodal Officer for this selection process under the ambit of Department of Personnel and Training Office Memorandum dated 03.12.2013. The Nodal Officer of Ambedkar University Department has not followed the

instructions contained as per Para 22 of Department of Personnel and Training Office Memorandum dated 29.12.2015 with regard to relaxation of standard of suitability which is reproduced as under **Quote** “if sufficient number of persons with disabilities are not available on the basis of the general standard to fill all the vacancies reserved for them, candidates belonging to this category may be selected on relaxed standard to fill up the remaining vacancies reserved for them, provided they are not found unfit for such post or posts. Thus, to the extent the number of vacancies reserved for persons with disabilities cannot be filled on the basis of general standards, candidates belonging to this category in the reserved may be taken by relaxing the standards to make up the deficiency in the reserved quota subject to the fitness of these candidates for appointment to the post/posts in question” **Unquote**. He was shortlisted for personal interview based on merits. No marks were said to be awarded to any of the candidates in the personal interview. The Ambedkar University Delhi has issued another advertisement for selection of Deputy Registrar (persons with disabilities category) vide its advertisement dated 01.12.2014. He was very much eligible for the post of Deputy Registrar as he has worked as an Officer in JMG Scale I for 7 years and also worked as a Faculty (Assistant Professor) for 02 years. His total experience was 27 years.

2. The Registrar Ambedkar University stated that the post of Deputy Registrar earmarked for persons with disabilities as per Department of Personnel and Training guidelines could not be filled up due to some administrative reasons and therefore the petitioner was not called for the interview. Against one post of Deputy Registrar earmarked for persons with disabilities, 07 applications were received out of which 05 candidates including the petitioner Dr. R. Balasubramaniam were shortlisted by the Screening Committee constituted by the Vice-Chancellor, Ambedkar University Delhi however none of the candidates who appeared in the interview was recommended by the Selection Committee. Further two posts of Assistant Registrar (GP Rs.5400) and Deputy Registrar (GP Rs.7600) are earmarked for Persons with Disability in the sanctioned Group ‘A’ post in Ambedkar University Delhi. One post of Assistant Registrar has already been filled up from the category of persons with disabilities following the laid down selection process. A Selection Committee constituted by the Vice-Chancellor interviewed and shortlisted candidates on 24.11.2014 but none of the candidates who appeared in the interview was found suitable for the post. It is wrong and hence denied that the said post shall be filled by General Category candidate. The Ambedkar University Delhi has its own Act, Statutes and Recruitment Rules which govern the selection process and there is not even a single allegation that the selection process was suffering from

any infirmity whatsoever. With regard to award of marks to the candidates called for interview by the Selection Committee, it is hereby submitted that there is no such procedure followed in Ambedkar University Delhi. The Selection Committee recommends the names of candidates on the basis of a collective decision based on the qualification, relevant experience and performance of the candidate in the interview. The post of Deputy Registrar (reserved for persons with disabilities) was re-advertised on 01.12.2014 to be filled up in compliance with the guidelines issued by the Department of Personnel and Training vide its OM No.36012/24/2009-Estt. (Res.) dated 3.12.13 following the directions of Hon'ble Supreme Court of India in Civil Appeal No.9096 of 2013.

3. I have carefully examined the representation and the replies filed by the Registrar of the Ambedkar University Delhi. Dr. Prasad Tirumala Srinivasa Vara Kammili has been appointed to the post of Deputy Registrar (reserved for persons with disabilities) under Visually Impaired category in PB-3 i.e. Rs.15600-39100 with Grade Pay Rs.7600 with effect from 30.07.2015 in Ambedkar University Delhi. The apprehension of the petitioner that a post reserved for persons with disabilities may be secretly filled up by a General candidate is therefore not borne out by facts. The contention of the University however that **Quote** " it has its own Act, statutes and recruitment rules which govern the selection process. Further it is informed that the Selection Committee recommends names of the candidates on the basis of a collective decision based on qualification, relevant experience and performance of the candidate in the interview. It is a fair and objective process, undistorted by personal bias" **Unquote** is not tenable. It has been observed by the Hon'ble Supreme Court of India in Writ Petition No.2701 of 1981 in the case of Ashok Kumar Yadav and others Vs State of Haryana and others **Quote** "Any form of written test possesses certain administrative advantages over the oral and performance types. The oral test has long served as a basic selection tool in private employment but has been more slowly accepted in the public field. This conservation arises out of three considerations: (a) the difficulty of developing valid and reliable oral tests. (b) the difficulty of securing a reviewable record of an oral test and (c) public suspicion of the oral as a channel for the exertion of political influence through the destruction of anonymity. Thus the written examination assesses the man's intellect and the interview test the man himself and "the twain shall meet" for a proper selection. The weightage of written and the oral examination must vary from service to service according to the requirements of the service, the minimum qualifications prescribed, the age group from which the selection is to be made, the body to which the task of holding the interview test is proposed to be entrusted

and a host of other factors. Even for selection of candidates for the Indian Administrative Service the marks allocated for the interview test were only 12.2 percent of the total. It was then observed, “under the existing circumstances, allocation of more than 15% of the total marks for the oral interview would be arbitrary and unreasonable and would be liable to be struck down as constitutionally invalid”. The weight to be given to the interview test should depend on the requirement of the service to which recruitment is made, the source material available for recruitment, the composition of the interview Board and several like factors” **Unquote.** There is a need therefore to review the selection process for future to make it objective and transparent in view of the observation of Hon’ble Supreme Court of India as quoted above.

4. In conclusion I do not find merit in the contention of the petitioner and 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
20/10/15

(K.S. Mehra)
Commissioner

Court of Commissioner (Disabilities)
National Capital Territory of Delhi
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