

(15)

In the Court of State Commissioner for Persons with Disabilities
National Capital Territory of Delhi
25-D, Mata Sundari Road, Near Guru Nanak Eye Centre, New Delhi-110002
Phone: 011-23216003-04, Telefax: 011-23216005, Email: comdis.delhi@nic.in
[Vested with powers of Civil Court under the Rights of Persons with
Disabilities Act, 2016]

Case No. 1069/1011/2019/08
Case No. 1197/1012/2019/10 / 7764-7766 **Date 13/11/2019**

In the matter of:

Dr. Mohd Shadab Alam
(Email: 1234.shadab@gmail.com)

Sh. Pavitra Singh
(Email: iitg2005@gmail.com)

.....**Complainants**

Versus

The Vice Chancellor,
Delhi Technological University, Shahbad Daulatpur
Bawana Road Delhi-110042

.....**Respondent**

ORDER

Dr. Mohd Shadab Alam, a person with 60% locomotor disability filed a complaint vide email dated 02/08/2019 and submitted that Delhi Technological University advertised 167 posts of Assistant Professor on 01.07.2019 by direct mode of recruitment, but did not provide reservation to persons with disabilities.

2. The complaint was taken up with the respondent vide notice to show-cause-cum hearing dated 19.08.2019 under the provisions of Rights of Persons with Disabilities Act, 2016, hereinafter referred to as

the 'Act'.
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3. The respondent was directed to issue a corrigendum to the advertisement dated 01.07.2019 as per the provision in Section 34(1) of the Act and instructions of DoP&T No.36035/02/2017-Estt (Res) dated 15.01.2018.

4. A suo motu case registered regarding filling up the reserved backlog vacancies for persons with disabilities, if any in Group A, B, C & D posts also tagged with this case and common proceedings were conducted.

5. During the hearing on 18.09.2019, the representatives of the respondent submitted that the University had re-advertised the posts. Out of the 167 vacancies, 13 had been reserved for persons with benchmark disabilities (locomotor disability, blindness and low vision as identified) by the University in the advertisement dated 13.09.2019 and 05 vacancies out of 87 vacancies in the advertisement dated 15.09.2019. They also clarified that reservation was computed against total number of 466 sanctioned posts of Assistant Professor in various disciplines and the rosters were being prepared separately for Assistant Professor, Associate Professor and Professor.

6. However, as per DoP&T's O.M dated 15.01.2019, the reserved vacancies are to be computed against the vacancies being filled and not against the posts. Rosters are to be maintained in each group of posts i.e in Group A, B and C separately. Hence the number of vacancies reserved in the current recruitment may be more than 4%, which could be adjusted against the backlog, if any.

7. On the next date of hearing on 24.10.2019, the representatives of the respondent filed a reply dated 23.10.2019 as per which the process for filling up 254 vacancies of Assistant Professor was going on. As per the University, 11 vacancies @ 4% in accordance with Section 34


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of the Act fall to the quota of persons with benchmark disabilities. But 18 vacancies have been reserved for them. Hence according to them there was no backlog.

8. Since, the backlog has to be computed against the vacancies which were filled since 1996, when the PwD Act, 1995 came into force, the exercise of computing the reserved vacancies based on a separate 100-point vacancy based roster needs to be done by the University, which is the subject matter of Suo- motu case No. 1070/1011/2019/08.

9. In the light of the prompt and positive action by the respondent University and the fact that the complainant in case No. 1069/1011/2019/08 has not filed any rejoinder/objection till date, the case is disposed of.

10. In another complaint dated 23.09.2019 of Sh. Pavitra Singh, a person with 45% locomotor disability which has been registered as Case No. 1197/1012/2019/10 submitted that he is eligible for the post of Assistant Professor in DTU as he did M. Tech. and is in final stage of Ph.D with 14 years of teaching experience. However, he was not able to apply for the said post as DTU had reduced the age relaxation from 10 yrs to 5 yrs. Notice in that case was not issued as the corrigendum dated 13.09.2019 and 15.09.2019 had been issued by DTU before receipt of his complaint.

11. Relevant extracts of DoP&T OM F.No1512/1/2003-Estt.(D) dated 29.06.2015 on age relaxation are reproduced below:

"(i) Age relaxation of 10 years (15 years for SC/ST and 13 years for OBC candidates) in upper age limit shall be allowed to persons suffering from (a) blindness or low vision, (b) hearing impairment and (c) locomotor disability or cerebral palsy in case of direct recruitment to all civil posts/services under the Central Government identified suitable to be held by persons with such

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disabilities, subject to the condition that maximum age of the applicant on the crucial date shall not exceed 56 years.

(ii) The age concession to the persons with disabilities shall be admissible irrespective of the fact whether the post is reserved for person with disabilities or not, provided the post is identified suitable for the relevant category of disability. This provision will not apply to the Civil Services Examination, in respect of which the List of Services Identified suitable for Physically Disabled Category along with the Physical Requirements and Functional Classifications is notified separately.

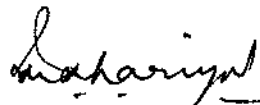
(iii) Relaxation of age limit would be permissible to such persons who have a minimum of 40% disability."

12. In the view of DoP&T's OM dated 29.06.2015, the respondent should provide age relaxation of 10 years (15 years for SC/ST and 13 years for OBC candidates) to person with benchmark disabilities. If Sh. Pavitra Singh and any other person with benchmark disability has applied for the post of Assistant Professor, their candidature be considered with 10years of relaxation in upper age limit and this case is also disposed of.

13. The Suo-motu case No.1070/1011/2019/08 is delinked and will be disposed of by a separate order.

14. Given under my hand and the seal of the Court on 13th November, 2019




(T.D. Dhariyal)

State Commissioner for Persons with Disabilities

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