

**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, Email: [comdis.delhi@nic.in](mailto:comdis.delhi@nic.in)  
[Vested with powers of Civil Court under the  
Rights of Persons with Disabilities Act, 2016]

**Case No.2814/1014/2022/10/239-240**

**Dated:27-01-23**

**In the matter of:**

**Dr. Manu Banga,**  
**Email:manubanga@gmail.com**

**.....Complainant**

**Versus**

**The Registrar,**  
**Indira Gandhi Delhi Technical University for Women,**  
**Madrasa Road, Opposite St. James Charch,**  
**Kashmere Gate, Delhi-110006.**

**.....Respondent**

**Date of Hearing: 25.01.2023**

**Present:** Parents appeared on behalf of Complainant.  
Professor Manoj Soni, Addl. Registrar, HR and Sh. Satbir Singh, SO (HR) appeared on behalf of Respondent.

### **ORDER**

The complainant, a person with 79% locomotor disability filed a complaint vide his email dated 24.10.2022 under the Rights of Persons with Disabilities Act, 2016 hereinafter referred to as the Act and alleged that the Indira Gandhi Delhi Technical University for Women (IGDTUW) had advertised 19 posts of Assistant Professors (IT) reserving two posts for persons with disabilities vide Notification dated 10.09.2021. He had applied for the same. His allegation was against the Selection Committee of the University as he was not selected for the post of Assistant Professor (IT). Thus, he requested this Court to intervene in the matter.

2. The complaint was taken up with respondent vide Notice dated 31.10.2022. Registrar, IGDTUW vide letter dated 11.11.2022 submitted that the complaint filed by complainant Mr. Manu Banga was also forwarded from the multiple agencies and IGDTUW submitted the following on the case:-

- Dr Manu Banga had applied for the post of Assistant Professor (IT) as Gen - PwD candidate. 19 posts for Assistant Professor in various disciplines advertised and two posts were reserved for candidates with benchmark disabilities in accordance with the RPwD Act 2016.
- During the document verification Dr. Manu Banga had verified the marks awarded for Table 1 Part A for academic records and Table 1 Part B for experience and research performance and endorsed his signatures for its correctness. So later on complaining on the same was unjustified.
- In teaching aptitude and ability he was awarded 05 marks out of 15 marks by duly constituted Presentation Committee.
- There was only one vacancy for UR candidate in Information Technology Discipline, 16 candidates were called before Selection Committee from unreserved candidates including PwD. All the candidates were considered by Selection Committee on the basis of their Domain Knowledge and Personal Interview, marks were awarded by duly constituted Selection Committee as per composition laid down in the IGDTUW First Statue 2012 (Delhi Act 09 of 2012). The Selection Committee also consisted a member from the SC/ST/OBC/PwD as representative as per prevailing guidelines.
- University had followed all the prevailing guidelines issued by DoP&T in accordance with the RPwD Act, 2016 & RPwD Rules, 2017. Hence, the selection for said post was fair as per recruitment process and fully transparent.
- No candidate was found suitable under PwD category.

3. Complainant vide rejoinder dated 02.12.22 submitted that there was no member of person with disability in the Selection Committee which was not found tenable as there was due representation in the Committee from SC/ST/PwD as per DoP&T guidelines and confirmed by University representatives. He alleged that he was not selected though he possessed desirable qualifications.

4. In response to above rejoinder of complainant, respondent vide reply dated 27.12.2022 submitted as under:

- (i) As per the advertisement for the post of Assistant Professors 02 vacancies out of 19 vacancies were reserved for PwBD, candidate of any category i.e. UR/SC/ST/OBC/EWS could have applied to any discipline of the posts

advertised. The candidate was given opportunity in person for matching and verification of documents before appearing for presentation/ Interview. He had verified the marks awarded for Table 1 Part A for academic records and Table 1 Part B for experience and research performance and endorsed his signature for its correctness. The candidate was given full opportunity to participate and completed the full recruitment process. Thus his claim for rejection by the University is baseless, incorrect and unreasonable instead the respondent had followed all the recruitment guidelines for persons with disabilities.

- (ii) In addition, the duly constituted Selection Committee did not find any suitable PwD candidate that is why the unfilled vacancies for PwD would be considered as backlog and will be advertised in next recruitment cycle.
- (iii) Duly constituted Selection Committee shortlisted candidates on the basis of their respective profiles eligibility criteria and personal interaction under provision of recruitment document for selection of suitable candidate for posts advertised. Also being an unsuccessful candidate complainant cannot challenge the selection process & claimed that it was illegal, biased or arbitrary. In this regard, there are several judgments by the supreme i.e. (AIR 1990SC 434)etc.
- (iv) The equal opportunity was given to complainant being PwD candidate as per the RPwD Act, 2016 as he participated in full recruitment process by availing all the benefits under provision of reservation for PwDs

5. However, the complainant was not satisfied with the reply furnished by Respondent and repeatedly requested for a hearing which was granted by this Court to satisfy the complainant and the same was scheduled on 25.01.2023 but unfortunately Dr. Manu Banga did not attend. The Court took serious view as there was no information, intimation or any authority letter from the complainant that his parents would be attending the hearing in his place. The Court with due honour allowed his parents to attend the hearing without any prejudice. However, both the parents refused to mark their attendance in the Court and did not sign the attendance sheet even of the hearing which was not in order. Further without considering all these factors, very impartially the hearing was conducted on each and every objection of the complainant and Prof. Manoj Soni, Addl. Registrar (HR) and Sh. Satbir Singh Chauhan, SO(HR), representatives of the respondent University replied on each and every focus point of Complainant to his parents.

6. Representative of Respondent reiterated their written submissions and added that the allegation of complainant on the recruitment process of

University is baseless as the University adhered the Section 34(2) of the RPwD Act, 2016 which clearly stipulate that unfilled vacancies due to non – availability of suitable candidate will be carried forward for next recruitment year and also the guidelines issued by the Govt. for PwD candidates. They further informed that two unfilled vacancies for PwD candidates, whereas no suitable candidates was available during the recruitment process held in the year 2021-22 will be carried forward as backlog in next recruitment cycle schedule in 2023 and also 01 vacancy has been added due to increase in the total sanction strength. Representative of respondent University also shown the record of verification sheet/ statement for Table-A and Table –B in respect of marks allotted to complainant and other similar selected candidates to the Court as well as to the parents of complainant.

7. After due deliberations / discussion and considering the submissions and record shown by the respondent, the Court observed / recommended as under:-

- (i) Court did not find any violation of RPwD Act, 2016 in the instant case as the complainant was provided equal opportunity being person with disability and he participated in the recruitment process by availing all the benefits under provisions of reservation for PwD. However, the complainant could not be selected by the University's Selection Committee as his score was low and that the Committee did not find him suitable.
- (ii) Thus, this Court is of the opinion that there appears to be no discrimination against complainant and because of various reasons as explained by respondent University to the Court about the transparency of the process of selection and low score of the complainant seem to be the only issue, but as per the selection criteria maintained by University, no suitable candidate was selected in the academic session 2021-22. However, the University confirmed that the vacancies for the person with disabilities are

being carried forward in the current academic year i.e. 2023 and there will be three (03) vacancies now for the persons with disabilities and the complainant may apply again for the same.

- (iii) However, the University should have mentioned in their result that no PwD candidate was found suitable during the selection process thus the vacancies for persons with disabilities would be carried forward in the next recruitment year i.e. 2023.
- (iv) Court directs the complainant to take an appointment with the Grievance Redressal Officer of the University Prof. Ranu Gadi or the liaison Officer Prof. Manoj Soni to clarify any doubt with respect to the selection process. He should refrain from false allegation on the subject.

8. The case is disposed of.

9. Given under my hand and the seal of the Court this 27<sup>th</sup> day of January, 2023.

**(Ranjan Mukherjee )**  
**State Commissioner for Persons with Disabilities**