

**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
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[Vested with powers of Civil Court under the Rights of Persons with Disabilities Act, 2016]

Case No.2688/1011/2022/07/7000-7001

Dated:27-09-22

In the matter of:

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

.....**Complainant**

Versus

The Registrar,
Guru Gobind Singh Indraprastha University,
Sector-16C, Dwarka, New Delhi-110078

..... **Respondent**

Date of Hearing: **27.09.2022**

Present: Dr. Mohd. Shadab Alam, Complainant
Sh.Pankaj Agarwal, Dy. Registrar and Sh. R.C. Kesarwani,
Dy.Registrar appeared on behalf of respondent

ORDER

The complainant, a person with 60% locomotor disability filed a complaint dated 18.07.2022 under the Rights of Persons with Disabilities Act, 2016, hereinafter referred to as the Act. He submitted that Guru Gobind Singh Indraprastha University (GGSIU) vide its Recruitment Notice No. IPU/East Campus/Faculty/4(14)/2021/01/207 dated 10.12.2021 invited online applications for the post of Assistant Professor in East Campus of GGSIU University and he applied for the post of Assistant Professor in Department of Mechanical Engineering. He was disappointed to learn that his name was not there in the list of shortlisted candidates in spite of the fact that he scored 85

points in self assessment. He further alleged that he did not find any PwD candidate in the list of shortlisted candidates. Thus, he requested this Court to intervene in the matter and consider his case.

2. The matter was taken up with the respondent vide Notice dated 22.07.2022 followed by reminder dated 18.08.2022 for submission of their comments. However in the absence of any response from respondent, a hearing was scheduled on 27.09.2022 and both parties submitted their respective facts as under:

3. Complainant reiterated his written submissions and added that persons with disabilities like him already has limited opportunities and such platforms / opportunities are hope for them to become empower but they have been deprived of their rights as no reservation was provided to PwD candidates by GGSIP in the said recruitment. Thus he again requested for taking prompt action in this regard.

4. Representatives of Respondent vide his written submission dated 26.09.22 informed that the complainant applied for the post of Assistant Professor in the Mechanical Engg. Department but he could not be shortlisted for document verification under PwD category. In this regard the following submissions were made:-

i) The 48 post of Assistant Professor under various disciplines for East Campus of this University were advertised to invite applications. The number of post under various categories i.e. SC/ST/OBC and EWS etc were also

mentioned and it was also indicated under note that “Reservation of person with benchmark disability(PwD) will be as per prevalent rules.”

ii) As per condition no. 1 of Employment Notice dated 10.12.2021, the number of posts and reservation category, discipline-wise were indicative and may vary and University reserves the right to increase or decrease the posts.

iii) As mentioned by Dr. Mohd. Shadab Alam, in his representation that he applied in department of Mechanical Engineering is not true. There is no separate Mechanical department but there is a requirement of Assistant Professor in discipline of Mechanical Engineering in University School of Automation and Robotics.

iv) The applications were invited through online mode and as per data, 27 candidates applied under PwD category.

v) A Screening Committee under the chairmanship of Director, Academic Affairs was constituted to look into selection process / selection criteria of Assistant Professor of two schools of East campus. As per decision of the Screening Committee, the candidates were shortlisted on the basis of Academic Research Score and the minimum score was fixed as 89 for all disciplines and only those candidates called for document verification, who had Academic Research Score of 89 or above. The score of applicant, Dr. Mohd. Shadab Alam was 85, which is less than 89, hence he was not called for document verification.

vi) As per provisional roster prepared, the University may have following 02 posts under PwD category:-

- PwD (MD i.e. handicapped with multiple disabilities)
- PwD(VH i.e. person with visual handicapped)

The representative of respondents further submitted that the candidate had himself counted his academic score as 85, which was less than 89 the benchmark fixed by University for eligible candidates. However, it was informed that the University has now decided to give another opportunity to all 27 PwD candidates including complainant and called all of them for document verification & thereafter interview of the eligible candidates, post receipt of communication from SCPD.

5. After due deliberations / discussion and considering the submissions of the complainant & respondent, the Court observed / recommended as under:-

i) As per RPwD Act, 2016 it is the duty of Government establishment to reserve 4% of total vacancies, whether identified or non-identified, for persons with benchmark disabilities. Taking into cognizance of the reply and action already taken by respondent, it appears that the Respondent has followed the statutory mandate of providing 4% reservation to PwBDs. Therefore, this court concludes that the Respondent establishment has not caused any discriminatory practice against PwDs. Hence, intervention of this court is unwarranted. Accordingly the case is closed.

9. Given under my hand and the seal of the Court this 27th day of September, 2022.

(Ranjan Mukherjee)
State Commissioner for Persons with Disabilities