



सत्यमेव जयते

न्यायालय मुख्य आयुक्त विकलांगजन

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES

विकलांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities

सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment

भारत सरकार / Government of India

Case No.6053/1011/2016

Dated: 14.10.2016

In the matter of:

Dr. Anil K. Aneja,
Vice President,

All India Confederation of the Blind,
Braille Bhawan, (Behind Rajiv Gandhi Cancer Hospital),
Sector-05, Rohini, Delhi-110085.

..... Complainant

Versus

University of Allahabad,
Through the Registrar,
Senate House Campus,
Allahabad, Uttar Pradesh – 211002.

..... Respondent

Date of Hearing : 09.09.2016

Present :

1. Dr. Anil K. Aneja, Complainant.
2. Respondent absent.

ORDER

The above named complainant, Vice President, All India Confederation of the Blind filed a complaint dated 08.03.2016 before the Chief Commissioner for Persons with Disabilities under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the 'Act' regarding violation of Section 33 of the Persons with Disabilities Act, 1995 by the Allahabad University.

2. The complainant submitted that Allahabad University which is a Central University issued an advertisement in February, 2016 bearing no. 1/2016 vide which 293 vacancies on the posts of Assistant Professor (160), Associate Professor (84) and Professor (49) were advertised. As these are three separate cadres, as per the Judgment of the Hon'ble Supreme Court of India dated 08th October, 2013 in Civil Appeal No. 9096 of 2013 arising out of SLP (Civil) No. 7541 of 2009, at least 5 vacancies for persons with disabilities ought to have been reserved in the Assistant Professor cadre, 3 in the Associate Professor cadre and two vacancies for persons with disabilities ought to have been reserved in the Professor cadre. Thus, at least a total of 10 vacancies ought to have been reserved for persons with disabilities, out of which at least 4 vacancies specifically for the visually impaired in the impugned advertisement.

..... 2/-

सरोजिनी हाउस, 6, भगवान दास रोड, नई दिल्ली-110001; दूरभाष: 23386054, 23386154; टेलीफैक्स : 23386006
Sarojini House, 6, Bhagwan Dass Road, New Delhi-110001 ; Tel.: 23386054, 23386154 ; Telefax : 23386006

E-mail: ccpd@nic.in ; Website: www.ccdisabilities.nic.in

(कृपया भविष्य में पत्राचार के लिए उपरोक्त फाईल/केस संख्या अवश्य लिखें)
(Please quote the above file/case number in future correspondence)

3. The matter was taken up under Section 59 of the Act with the respondent vide this Court's letter dated 29.03.2016 followed by reminder dated 25.05.2016.

4. Despite reminder dated 25.05.2016, no reply was received, therefore, a hearing was scheduled on 09.09.2016.

5. During the hearing, none appeared on behalf of the respondent. Nor any intimation has been received about his inability to attend the hearing on 09.09.2016 despite the fact that the copy of the Notice of Hearing was sent on 29.07.2016 by Speed post. This Court noted with serious concern, the utter disregard shown by the respondent by neither intimating his inability to attend the hearing nor caring to appear to explain his versions of the case.

6. The petitioner reiterated his written submissions and submitted that the Allahabad University, a Central University is covered under the definition of 'establishment' as stated in Section 2(k) of the Persons with Disabilities Act and hence is duty bound to implement the provisions of Section 33 of the Persons with Disabilities Act. Further, the respondent-University comes within the jurisdiction of this Court as this statutory body has been set up to protect the rights granted to persons with disabilities under the PwD Act.

7. The respondent University issued an advertisement bearing No. 1/2016 through which a total number of 293 vacancies in the cadres of Assistant Professor, Associate Professor and Professor had been advertised but no vacancy has been reserved for any special category of persons with disabilities. From this, it appears that the respondent-University may not have reserved in the teaching and/or non-teaching vacancies for persons with disabilities from 01.01.1996. Further, the respondent University has not cared to respond to the two reminders issued by this Court and is also not present during the hearing today.

8. In view of the above, it is strongly and respectfully prayed that the impugned advertisement in reference may be quashed and the respondent-university may be directed to re-schedule the said advertisement by providing appropriate reservation in all the 3 cadres for persons with disabilities as per the roster point. Further, the respondent-university may be directed to submit its 100 point vacancy based reservation roster in respect of teaching and non teaching cadres w.e.f. 01.01.1996 and fill the backlog in a time bound manner. As per the directions of the Hon'ble Supreme Court of India in Civil Appeal No.9096 of 2013 arising from SLP© No.7541 of 2009 in the matter of Union of India and Others Vs. National Federation of the Blinds and Others may be issued immediately for strict compliance.

9. The case is disposed off with the following directions to the respondent:-

- (i) University to re-advertise the vacancies including the 3% reservation of the post cadre-wise and category-wise.
- (iii) Prepare the Reservation Roster w.e.f. 01.01.1996 as per DoP&T's instructions
- (iv) Compute the backlog of vacancies and fill the vacancies by conducting Special Recruitment Drive in a time framed manner.
- (v) Advertisement should be made as per DoP&T's O.M. dated 29.12.2005 and subsequent O.Ms issued by DoP&T in this regard.



(Dr . Kamlesh Kumar Pandey)
Chief Commissioner
for Persons with Disabilities