



न्यायालय मुख्य आयुक्त दिव्यांगजन

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)

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

भारत सरकार/Government of India

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Case No: 13900/1040/2023

In the matter of—

Mohamad Iqbal Rather

...Complainant

Versus

1. The Chairman,
University Grants Commission (UGC)
New Delhi

...Respondent No.1

2. Department of Higher Education,
Ministry of Education

...Respondent No.2

Hearing:

An online hearing in the above matter was conducted before Dr. S. Govindaraj, the Commissioner for Persons with Disabilities in hybrid mode (online/offline) on 13.02.2025. The following parties/representatives were present during the hearing:

Sl. No.	Name of the parties /Representatives	Parties	Mode
1.	Mohamad Iqbal Rather	Complainant	Online
2.	Manish Joshi, Secretary UGC	For Respondent No.1	Online
3.	Dr. G. S. Chauhan, Joint Secretary, UGC	For Respondent No.1	Online
4.	Dr Nikhil, Deputy Secretary, UGC	For Respondent No.1	Online
5.	Adv. Om Prakash, Panel Counsel	For Respondent No.1	Online
6.	Smita Srivastava, Director, Dept. of Higher Edu.	For Respondent No.2	Online

RECORD OF PROCEEDINGS

1. At the outset, the Complainant was invited to present his case in brief. The Complainant stated that he is employed as an Assistant Professor in the Higher Education Department. He further submitted that, as per the University Grants Commission (UGC) Guidelines of 2018, possession of a Ph.D. degree has been made mandatory for promotion to the post of Associate Professor. In light of this requirement, the Complainant applied for admission to a Ph.D. program in the year 2021. However, despite his application, other candidates from the general category were granted admission, while the Complainant was not.

2. The Complainant contended that his exclusion from admission was discriminatory, attributing it to his status as a person with disability (PwD). He submitted that the University in question is located in close proximity to his residence and is suitably accessible, which makes it a necessary and reasonable choice for him. Accordingly, he requested that the competent authority consider granting him an exemption from the relevant provisions in view of his disability.

3. Respondent No. 1 submitted that universities are autonomous bodies and are empowered to frame their own policies and frameworks concerning Persons with Disabilities (PwDs). It was further submitted that certain relaxations are provided to PwDs:

(a) Relaxations in Ph.D. Admission Process:

(i) Relaxation in the qualifying criteria for the written examination, wherein general category candidates are required to secure a minimum of 50% marks.

(ii) An extended duration of 10 years to complete the Ph.D. programme, as opposed to 6 years for general candidates.

4. Respondent No. 1 further submitted that the University Grants Commission (UGC) does not play a direct role in individual admission decisions. The UGC merely issues regulatory frameworks, including the "70:30 formula" (i.e., 70% weightage for the written examination and 30% for the viva voce), which is to be adopted by universities for Ph.D. admissions.

5. This Court took note of the letter dated 27.02.2021 issued by Government Degree College, Sumbal, Kashmir, addressed to the Directorate of Colleges, Higher Education Department. The said communication indicates that the Complainant had been offered admission to a part-time Ph.D. programme. However, no consequential action was taken on the matter, and no formal permission was granted to the Complainant in this regard.

6. This Court acknowledged and appreciated the participation of the UGC and commended the efforts undertaken by the Commission in furtherance of the rights and interests of PwDs. The Court observed that it may, if necessary, approach the UGC on the present issue in due course.

7. This Court is of the view that if the grievance of the Complainant pertains specifically to the Higher Education Department, the appropriate forum would be the Office of the State Commissioner for Persons with Disabilities of the concerned State/UT's namely the UT of J&K. The Complainant is advised to clearly indicate the authority against whom the grievance is pending or from whom relief has to be sought.

8. Respondent No. 2 submitted before this Court that it shall comply with all recommendations issued by this Court.

9. In light of the foregoing observations, this Court recommends the Complainant to file a rejoinder within 15 days, addressing the facts and submissions as noted above.

10. This is issued with approval of the Commissioner for Persons with Disabilities.


06.05.2025
(P. P. Ambashta)
Dy. Chief Commissioner