



सत्यमेव जयते

न्यायालय मुख्य आयुक्त दिव्यांगजन

COURT OF THE 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

5वाँ तल, एन.आई.एस.डी. भवन, जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष : (011) 20892364
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Case No.14547/1011/2023

In the matter of:

Dr. Umesh Kumar Vates

...Complainant

Versus

The Registrar,
Indian Institute of Technology (ISM),
Dhanbad
E-Mail: registrar@iitism.ac.in/dfac@iitism.ac.in

...Respondent

1. Gist of Complaint:

1.1 Dr. Umesh Kumar Vats, a person with 64% locomotor disability in his left arm (OA), filed a complaint dated 30.09.2023 regarding the denial of reservation of seats for persons with disabilities under Advertisement No. Dean(F)/2/2023 (Special Drive for SC/ST/OBC-NCL), dated 25.08.2023, issued by IIT(ISM) Dhanbad.

1.2 The complainant asserted that, under the Rights of Persons with Disabilities Act, 2016 ("the Act"), at least 4% of seats should be reserved for persons with benchmark disabilities (PwBD).

2. Notice to Respondent:

2.1 A notice dated 06.10.2023 was issued to the Registrar, IIT (ISM), Dhanbad, in accordance with sections 3, 33, and 34 of the Act and DoP&T OM No. 36035/02/2017-Estt (Res), dated 15.01.2018, requesting comments on affidavit within the statutory time limit.

3. Respondent's Reply:

3.1 The respondent submitted its reply on affidavit on 19.10.2023, stating that all 71 posts are suitable for PwDs (including blindness & low vision, deaf & hard of hearing, locomotor disability, leprosy cured, dwarfism, and acid attack victims). However, only 3 out of 71 posts were reserved for PwD applicants. A corrigendum dated 20.11.2023 to the original advertisement was also issued.

3.2 The respondent further stated that PwD candidates not belonging to SC/ST/OBC-NCL categories could apply against the rolling advertisement dated 05.12.2022, available on the institute's website, which had no closing date, allowing applications throughout the year.

3.3 As directed by this Court, Prof. Mojibur Rahman, Associate Professor, was appointed as the Grievance Redressal Officer for matters related to PwD employees. A copy of the reply was also served on the complainant.

4. Complainant's Rejoinder:

4.1 The complainant filed a rejoinder on 18.01.2024, stating that he applied for the 3 posts reserved for PwBD, but under the wrong caste category instead of General-PwD, due to limitations in the IIT Dhanbad online application form. Nevertheless, his application was successfully uploaded.

4.2 The complainant requested a hearing in light of the Hon'ble Guwahati High Court's order in WP(C)/758/2013 (Clause/Section 12), which held that a PwD is a PwD and should not be further classified by caste (General, OBC, ST, SC). The complainant alleged that IIT Dhanbad did not consider this principle.

5. Hearing (I):

5.1 A hearing in hybrid mode (offline/online) was conducted on **28.05.2025**. The following parties/representatives were present during the hearing:

Sl.No.	Name of the Parties/Representatives	For Complainant / Respondent	Mode of Attendance
1.	Dr. Umesh Kumar Vates	Complainant	Online
2.	Prof. Sukumar Mishra, Director	For Respondent	Online
3.	Mr. Prabodh Pandey, Registrar	For Respondent	Online
4.	Mr. Sanjay Kumar Singh, Dy. Registrar	For Respondent	Online
5.	Dr. Gaurav Bansal, Assistant Registrar	For Respondent	Online

6. Record of Proceedings

6.1 At the outset, the Complainant submitted that although the advertisement for faculty positions mentioned reservations for SCs/STs and the online application portal had a default setting for SC/ST, there was no option for persons with disabilities to indicate their status. He also stated that he was not shortlisted for the Senior Technical Officer position at the same institute, allegedly due to lower board exam marks.

6.2 The Respondent submitted that a corrigendum was issued and the Complainant was duly informed. However, the Complainant did not apply after the corrigendum. As the advertisement is a rolling one, the vacancy remains open on their website, and the Complainant may still apply. The Respondent further stated that the Complainant was not shortlisted earlier for failing to meet basic eligibility criteria, specifically the requirement of having published papers, which was not reflected in his application.

7. Observations and Recommendations

7.1 After hearing both parties, the Court observed that further clarity in this case is required. Since it is a rolling advertisement, the number of applications from persons with disabilities is currently irrelevant, as the positions remain unfilled. The Court emphasised that if the Respondent is committed to employing persons with disabilities, attention must be paid to the relevant legal provisions, which mandate reservation and relaxation in eligibility criteria. Para 11 of the DoPT OM dated 15.01.2018 provides for relaxation in standards of suitability for persons with benchmark disabilities in case a sufficient number of candidates are not available to fill the reserved vacancies. The instructions also specifically provide that the same relaxed standard should be applied to all the candidates with benchmark disabilities, whether they belong to Unreserved/SC/ST/OBC. As such, instead of keeping vacancies unfilled, opportunities should be explored to employ eligible and qualified candidates from the marginalised Divyangjan community.

7.2 The Court advised the Respondent to submit an Action Taken Report on the above recommendations within three months upon completion of the process in terms of Section 76 of the RPwD Act, 2016

7.3 Accordingly, this case is disposed of.

(S. Govindaraj)
Commissioner for Persons with Disabilities