



## 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

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**Case No. 13362/1014/2023**

Dr. Haradhan Maity

**... Complainant**

**Versus**

The Director,

Indian Institute of Science Education and Research

**... Respondent**

### 1. Gist of Complaint

1.1 The Complainant, a person with 60% locomotor disability affecting his right upper limb, filed a complaint on 04.07.2022 alleging that the recruitment process for the post of Assistant Professor (Mathematics) at IISER Mohali was arbitrary, biased, and contrary to the *Rights of Persons with Disabilities Act, 2016* ("RPwD Act").

1.2 He stated that he applied under a Special Recruitment Drive in May 2020 and met all eligibility criteria prescribed in the recruitment rules. Despite this, he was not called for an interview.

1.3 The reliefs sought were:

- (a) Directions to consider his application and allow him to attend the interview;
- (b) An investigation into each stage of the recruitment process;
- (c) Conduct a separate PwD recruitment with an external PwD

representative in  
the selection panel; and

(d) An interim injunction reserving one Assistant Professor post for him until the disposal of the complaint.

## **2. Issue of Notice**

2.1 A notice under Sections 75 and 77 of the RPwD Act, 2016, was issued to the Respondent to file comments on affidavit, addressing alleged violations under Sections 3, 4, and 21 of the Act.

## **3. Reply of the Respondent**

3.1 The Respondent stated that the rolling advertisement dated 13.05.2020 and the Special Recruitment Drive dated 06.10.2020 did not include UR/PwBD vacancies, in accordance with the prevailing reservation roster.

3.2 The Complainant's application was not shortlisted, which was communicated via email on 25.10.2021 following his query.

3.3 It was contended that the 12.07.2019 Gazette Notification regarding reservation in the Teacher's Cadre did not expressly include PwBD, and therefore no PwD reservation applied to the post in question.

3.4 The Respondent alleged that the complaint was delayed and filed after the conclusion of the recruitment process.

## **4. Rejoinder of the Complainant**

4.1 The Complainant contended that he was informed about his rejection only after 1.5 years, and that this delay was deliberate and prejudicial to his rights. He alleged that "backdoor recruitment" practices were in operation, to the detriment of PwD candidates. He reiterated that his application met all eligibility criteria and ought to have been shortlisted.

## **5. Hearing (I) - 24.11.2022**

5.1 The Complainant appeared in person; no representative from the Respondent attended despite an adjournment request. The Court granted a final opportunity for the Respondent to attend the next hearing.

## **6. Hearing (II) - 03.01.2023**

6.1 The Respondent appeared through officials and counsel but could not address specific queries of the Court. In exercise of powers under Section 77 of the RPwD Act, the Court directed the Respondent to submit within one week:

- (a) Copies of relevant advertisements;
- (b) Number of applicants for each;
- (c) Number of appointments made; and
- (d) Number of PwD applicants and appointments.

## **7. Hearing (III) - 27.04.2023**

7.1 The Respondent failed to provide complete details of the vacancy from 2018 onwards. The Court granted a final opportunity to submit year-wise data on PwD faculty recruitment in the prescribed format.

## **8. Record of Proceedings**

8.1 In compliance, the Respondent filed an affidavit dated 25.05.2023 stating that no PwD faculty recruitment took place between 2018 and 2022, including during the Special Recruitment Drive of October-December 2020.

8.2 The Court noted with concern that, despite repeated opportunities, the Respondent had not concluded recruitment for existing PwD-reserved posts. Delays were compounded by procedural inaction and lack of proactive measures to fill statutory quotas, undermining the objectives of the RPwD Act.

## **9. Hearing (IV) - 15.03.2024**

9.1 The Complainant reiterated his grievance and pressed for immediate filling of the PwD-reserved vacancy.

9.2 The Respondent stated that the Complainant's candidature was found unsuitable by the Selection Committee and that further recruitment was delayed pending appointment of a regular Director.

9.3 The Court directed the Respondent to:

- (a) Disclose marks obtained by all 16 PwD applicants;
- (b) Provide reasons for rejection; and
- (c) Complete recruitment without further delay.

## **10. Record of Proceedings**

10.1 In an affidavit dated 22.03.2024, the Respondent explained its three-stage shortlisting process, under which 15 of 16 PwD applicants were rejected at the first stage without being awarded marks.

10.2 The Court found this indicative of an inflexible, "one-size-fits-all" approach. In *Vikash Kumar v. UPSC*, (2021) 5 SCC 370, the Hon'ble Supreme Court held (para 47):

*"The principle of reasonable accommodation postulates that the person with disability should be placed, as far as possible, at par with other candidates. Denial of such accommodation amounts to discrimination under Section 3 of the RPwD Act."*

10.3 The Court also noted *National Federation of the Blind v. Union of India*, 2019 SCC OnLine Del 11357, where the Hon'ble Delhi High Court held (para 49): *"The respondents are under a statutory obligation to ensure that vacancies reserved for persons with disabilities are filled up and not carried forward or kept vacant on account of administrative lethargy or procedural rigidity."*

## **11. Hearing (V) - 18.02.2025**

11.1 The Respondent alleged that the Complainant had filed similar cases before the CCPD and Calcutta High Court, both of which had made adverse observations on his academic credentials.

11.2 The Complainant denied concealment of any facts, clarifying that

the qualifications prescribed were met and that academic scores from earlier degrees were irrelevant to the notified eligibility.

## **12. Observations**

12.1 The Respondent's failure to conclude recruitment for a PwD-reserved post nearly two years after advertisement demonstrates administrative inefficiency and disregard for statutory obligations under Sections 3, 4, and 34 of the RPwD Act.

12.2 The rejection of all 19 PwD applications for a reserved vacancy, without awarding marks at the preliminary stage, is inconsistent with the mandate in *Vikash Kumar* (para 47) and *National Federation of the Blind* (para 49).

12.3 While the Complainant is cautioned against filing repetitive complaints on identical issues, the Respondent remains bound by law to ensure transparent, inclusive, and timely recruitment.

## **13. Recommendations**

13.1 The Respondent shall:

- (a) Disclose complete records of all 19 PwD applicants and specific reasons for rejection; and
- (b) Complete the ongoing recruitment process for the PwD-reserved post within 60 days of this Order.
- (c) An ATR be furnished within 90 days in accordance with Section 76 of the RPwD Act, 2016.

13.2 This case is disposed of accordingly.

**(Rajesh Aggarwal)**  
**Chief Commissioner for Persons with Disabilities**