





**भारत सरकार/ Government of India**

**(Please quote the above file/case number in future correspondence)**



**भारत सरकार/ Government of India**

**Dated:** 29/09/2025

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**न्यायालय मुख्य आयुक्त**

**Case No. CCPD/15348/1021/24**

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**Case No. CCPD/15348/1021/2024**



न्यायालय मुख्य आयुक्त

**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 and Empowerment

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Although he scored 37%, which is above the 35% qualifying mark (i.e 56/150) required for PwBD candidates, his name was excluded from the list of successful candidates. Through an RTI, he discovered discrepancies in the evaluation of his answer script, including tampering where tape was placed over marks in the descriptive section. Despite meeting the eligibility criteria and being the only PwBD candidate, he was neither declared qualified nor promoted to the post of Semi Professional Assistant, in violation of the university's recruitment rules.

**2. Notice issued to the Respondents:**

2.1 In exercise of the powers conferred u/s 75 & 77 of the Rights of Persons with Disabilities Act, 2016 [hereinafter referred to as "the Act"], a notice dated 22.05.2024 was issued to the above mentioned respondents for forwarding to this Court comments on affidavit for violation of sections 34 and 20 read with DOPT OM dated 17.05.2022 and 28.12.2023 on the complaint within the statutory time limit.

**3. Reply filed by the Respondents:**

3.1 Referring to the complaint by Mr. Prabhakar Kumar The University replied via letter dated 06.06.2024 and stated that Mr. Prabhakar Kumar was appointed under the PwBD category as a Library Attendant on 14.01.2010. He received his first promotion to the post of Library Assistant on 31.12.2020 and was never denied promotion.

3.2 According to recruitment rules, promotion to the post of Semi Professional Assistant (SPA) occurs in two ways: (a) based on seniority after 5 years as a Library Assistant, or (b) through departmental examination after 3 years in that role. Mr. Kumar opted for method (b) and appeared for the exam. For the 2023 cycle, the university had vacancies in SPA as follows: 14 for General category, 2 for SC, and 1 for ST. No vacancy was available for the PwBD category that year. Therefore, Mr. Kumar had to meet the general category cutoff, which he did not achieve. Hence, promotion could not be granted.

5वीं मंजिल, एनआईएसडी भवन, प्लॉट नं०. जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष: 011-20892364, 20892275  
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(पया भविष्य में पत्राचार के लिए उपरोक्त फाईल/केस संख्या अवश्य लिखें)

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3.3 Regarding the allegation of tampering with his answer script, the university stated that no manipulation occurred. Mr. Kumar was provided with a copy of his answer sheet under the RTI Act. The examiner's identity was kept confidential, but the content was unaltered.

**4. Rejoinder filed by the Complainant:**

4.1 The Complainant filed the rejoinder dated 09.07.2024 and stated that He appeared for the **Limited Departmental Exam (2022/2023)** under the **PwBD category**. Although he scored **37%**, above the 35% qualifying mark specified for PwBD candidates (per Notification dated 23.12.2022), the University denied his promotion, citing the absence of reserved PwBD vacancies and applying general category criteria. However, Mr. Kumar was allowed to appear under the PwBD category, and no prior notification indicated that general category marks would be required in such a case.

4.2 Mr. Kumar respectfully requests:

1. Clarification on **why no PwBD posts were reserved** in 2023.
2. Details of **existing PwBD staff** in the Semi Professional Assistant post.
3. A **re-evaluation** of his answer sheet by a neutral authority.

**5. Hearing (I):**

5.1 A hearing in hybrid mode (online/offline) was conducted on **03.09.2025**. The following parties/representatives were present during the hearing:

S. No.	Name and Designation of the Party/Representative	For Complainant/Respondent	Mode of Attendance
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1.	Shri Prabhkar Kumar	Complainant	Offline
2.	Advocate Parv Garg	For Respondent	Online
3.	Shri Pankaj Lakra- SO (DU)	Respondent	Online
4.	Legal Section DU	Respondent	Online

**6. Record of Proceedings:**

6.1 The Complainant reiterated his grievance and to which the Counsel for the Respondents Mr. Parv Garg replied that issue is related to promotion to the post of Semi-Professional Assistant in the university. He clarified that promotion to this post was filled through three feeder channels: direct recruitment, promotion based on seniority, and promotion through Limited Departmental Competitive Examination (LDE). He added that the recruitment rules reserved no vacancy for PwD candidates under the LDE feeder category in the 2022 advertisement, and hence none was advertised.

6.2 He further informed that the advertisement had been challenged before the Hon'ble High Court of Delhi through a writ petition. The Court directed the university to treat it as a representation and pass a speaking order. Subsequently, the university passed a reasoned order on 7th November, 2024. However, the matter was again challenged via W.P. (C) No. 15787 of 2024, which was pending before the Hon'ble High Court and listed for hearing on 17th November, 2025. The Copy of the High Court order was also shared later to the Court.

6.3 Court supported this view and stated that, as the issue was already being adjudicated in the High Court, the present authority should not interfere. He suggested that the case could be disposed of, leaving it to the Complainant to pursue remedies before the High Court.

**7. Observations and Recommendations:**

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7.1 The Court observed that since the matter is already pending before the Hon'ble High Court, this Court should refrain from further intervention in order to avoid conflict of jurisdiction. The Complainant is there by advised to pursue remedies directly before the Hon'ble High Court, where the case is sub judice.

7.2 This case is, therefore, disposed of with the observation that the Hon'ble High Court's decision shall be binding, and the parties may act in pursuance thereof.

7.3 The Case is disposed of accordingly.

**Yours faithfully,**

**(Praveen Prakash Ambashta)**  
**Dy. Chief Commissioner**

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