



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

भारत सरकार/ Government of India

Case No. CCPD/15289/1031/24

Dated: 20/11/2025

Case No. CCPD/15289/1031/2024

In the matter of:

Akshay Trilokinath Maurya

...Complainant

Versus

The Registrar,
University of Delhi

...Respondent

1. Gist of the Complaint

1.1 The Complainant, a person with benchmark disability (50% locomotor disability), alleges denial of admission to the Ph.D. Programme in Political Science, University of Delhi, under the PwBD reservation for admissions 2023-24 (Phase-II). He applied (Form No. 23POLI40000537) and was interviewed on **29.01.2024**; the final merit list, **26.02.2024**, did not include him.

1.2 By RTI reply (UODEL/R/E/24/00466 dated **22.03.2024**), 86 candidates were selected across phases (50 in Phase-I; 36 in Phase-II). Only **one** PwBD was selected in Phase-I and **none** in Phase-II, despite **12** PwBD applications (8 in Phase-I; 4 in Phase-II) and **five** interviews (4 in Phase-I; 1 in Phase-II—the Complainant in Phase-II). The Complainant asserts this is contrary to **Section 32** of the RPwD Act, 2016 (minimum 5% seats for PwBD in higher educational institutions).

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1.3 Relief sought: enforcement of 5% PwBD reservation in Ph.D. Political Science admissions 2023-24 (Phase-II), and consideration of the Complainant against the reserved quota.

2. Issue of Notice

2.1 Notice under **Sections 75 & 77** of the RPwD Act, 2016 was issued on **10.04.2024**, with final reminder **04.06.2024**, alleging violations inter alia of **Sections 3, 21, 23 & 32**. Respondent was called to file comments on the affidavit.

2.2 **Statutory background:** Chapter XII of the RPwD Act provides the functions and powers of the Chief Commissioner, including inquiry on complaints (s.75) and civil court powers (s.77).

3. Reply of the Respondent

3.1 No written reply was received before the hearing.

4. Rejoinder

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4.1 No rejoinder was filed.

5. Hearing (I):

5.1 A hearing was conducted on **03.09.2025** in hybrid mode (Offline/Online through Video Conferencing). The following parties/representatives were present during the hearing:

Sl. No.	Name & Designation of the Parties/Representatives	On Behalf of	Mode of Attendance
1.	Mr Akshay Triloknath Maurya	Complainant	Online
2.	Mr Parv Garg, Advocate	Respondent	Online
3.	Prof. Bipin Tiwary, Nodal Officer for PwDs, DU	Respondent	Online
4.	Dr Abhishek Choudhary, Dept. of Political Science, DU	Respondent	Online

6. Record of Proceedings

6.1 Complainant reiterated non-implementation of the 5% PwBD reservation: of 36 selections in Phase-II, **zero** PwBD; of 86 total across phases, **only one** PwBD. He urged that at least **1** PwBD seat in Phase-II (5% of 36 \approx 1.8) and **~4-5** overall (5% of 86 \approx 4.3) ought to

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have been filled.

6.2 Respondent submitted that the Complainant scored **36/100** (8/30 interview; 28/70 written) against minimum qualifying marks of **40/100** applied uniformly, hence ineligible.

7. Observations

7.1 **Statutory mandate:**Section 32 of the RPwD Act requires **not less than five per cent seats** for PwBD in all Government institutions of higher education and other higher education institutions receiving Government aid;

7.2 **Non-discrimination & inclusive education:** Sections 3, 16-17 impose duties to ensure equality and facilitate inclusive education with reasonable accommodation.

7.3 **Seat-based compliance (aggregate):** Reservation under Section 32 is **seat-based**, to be ensured **in admissions** (not merely at application or interview stage). On admitted figures (Phase-I + Phase-II = 86), **only one** PwBD was admitted (~1.16%), falling short of the statutory **≥5%** threshold. Prima facie, this indicates **non-compliance** in aggregate against the sanctioned intake for the relevant admission cycle. ;

7.4 **Minimum standards vs. reservation:** Universities may prescribe **minimum qualifying marks**; however, while upholding academic standards, authorities must structure

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the **admission process to actually realize the 5% quota**—through stage-wise seat earmarking, separate PwBD merit lists, tie-breaking/rounding protocols consistent with law, and, where seats remain unfilled, carry-forward/special drives within the same cycle to avoid tokenism. Judicial trends emphasize **effective compliance** with Section 32, not illusory reservation. (Delhi High Court directions to ensure 5% PwBD reservation in GGSIPU admissions).

8. Jurisprudential Guidance

8.1 *Vikash Kumar v. UPSC* (SC, 2021): Reasonable accommodation is a positive obligation under the RPwD Act; processes must be designed to enable effective participation of persons with disabilities. This extends to admission/testing modalities.

8.2 *Rakshit Yadav v. University College of Medical Sciences* (Del HC, 2019): Reiterates that Section 32 prescribes a hard statutory floor of at least 5% seats and disapproves ableist eligibility filters (e.g., arbitrary disability caps) that undercut the reservation.

8.3 *Justice for All v. State (NCT of Delhi) & GGSIPU* (Del HC, 2023): Directs institutions to ensure the full 5% in admissions and to make all possible endeavours to fill PwBD seats—supporting curative action when aggregate compliance falls short in a running cycle.

8.4 *Aryan Raj v. Chandigarh Administration* (SC, 2020): Recognises persons with disabilities as a disadvantaged class warranting at least parity in relaxations; supports calibrated relaxations/rounding consistent with academic integrity to prevent the 5% from becoming merely symbolic.

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8.5 *Om Rathod v. Director General of Health Services* (SC, 2024) and *Anmol v. Union of India* (SC, 2025): Emphasise functional assessment over rigid, blanket criteria and require regulatory bodies/institutions to revise norms that create structural barriers; underscore that selection/admission rules must embed reasonable accommodation.

8.6 *Kabir Paharia v. National Medical Commission & Ors.* (SC, 2025): Grants equitable admission relief to a meritorious PwBD candidate with directions tailored to the academic calendar, illustrating that curative placement may be ordered where process defects/timelines otherwise defeat the right.

8.7 Migration of meritorious PwBD to the Unreserved (UR) list: Judicial observations highlight that, akin to SC/ST practice, meritorious PwBD selected on UR merit should be counted in UR so that the full PwBD 5% seats remain available to those who require reservation. Institutions should embed this migration rule prospectively.

8.8 **Application to the present case:** Even assuming a minimum qualifying threshold of 40/100, the institution must demonstrate how it structured and conducted admissions to ensure aggregate Section 32 compliance. In the absence of a published seat-matrix, separate PwBD merit list, rounding protocol, and a curative mechanism, the record discloses a prima facie shortfall against Section 32 in the 2023-24 cycle for Ph.D. Political Science.

9. Recommendations (Section 75 read with Section 76, RPwD Act)

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9.1 The University of Delhi (Department of Political Science) shall:

(a) File a PwBD seat-matrix for Ph.D. Political Science (Admissions 2023-24, Phase-I and Phase-II) showing sanctioned intake, 5% computation, rounding principle, seats earmarked and seats actually filled; and

(b) If a shortfall exists against Section 32 in aggregate, conduct a curative exercise within the same academic cycle by

- (i) a special round from the extant pool/wait-list, and/or
- (ii) limited supernumerary seats strictly to cure the deficit, applying a separate PwBD merit list and transparent tie-breaking rules.

9.2 For forthcoming cycles, the University shall notify and implement:

- (i) upfront earmarking of PwBD seats in the seat-matrix;
- (ii) a separate PwBD merit list alongside the overall list;
- (iii) clear rounding rules to ensure "not less than 5%";
- (iv) a curative protocol (special round/carry-forward within cycle) if any shortfall remains;
- (v) reasonable-accommodation measures throughout testing and interviews; and
- (vi) migration of meritorious PwBD selected on UR merit to the UR category so that the full 5% PwBD seats remain available.

9.3 While no individual mandamus for admission is issued at this stage in view of the notified minimum qualifying marks, the Complainant shall be considered on priority, strictly

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in order of inter-se PwBD merit, against any curative PwBD seat that may arise from the exercise at para 8.1(b), subject to academic regulations.

9.4 **Institution-wide compliance:** The University Registrar shall place a compliance plan before the University's competent authority and file a report before this Office confirming adherence to **Sections 3, and 32** of the RPwD Act across postgraduate/doctoral programmes.

10. Obligations of Parties (Sections 76, 89 & 93, RPwD Act)

10.1 Under **Section 76**, the appropriate authority shall **accept** these recommendations or furnish a **reasoned reply** for non-acceptance within **three months**.

10.2 The parties are reminded of **Section 89** (penalty for contravention) and **Section 93** (punishment for failure to furnish information). Non-compliance may invite appropriate action.

11. Disposition

11.1 The complaint is disposed of in these terms.

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Yours faithfully,

(S. Govindaraj)
Commissioner

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