



सत्यमेव जयते

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/15361/1024/24

Dated: 15/04/2026

Md Abdul Saifulla
Complainant

...

Respondent(s),

The vice Chancellor

Maulana Azad National Urdu University,
Hyderabad, Telangana-500032

Email ID: vc@manuu.edu.in

..

Respondent (1)

The Chairman

University Grants Commission (UGC),
New Delhi, Delhi-110002

Email ID: contact.ugc@nic.in

...

Respondent (2)

The Secretary

Department Of Higher Education, Ministry Of Education,
New Delhi, Delhi-110001

Email ID: secy.dhe@nic.in

...

Respondent (3)

1. Gist of Complaint

1.1 Dr Md. Abdul Saifulla, a person with multiple disabilities, filed a complaint dated 30.04.2024 alleging discrimination, denial of reasonable accommodation, mental harassment and wrongful termination from his post of Assistant Professor in the Department of Computer Science & Information Technology at Maulana Azad National Urdu University (MANUU). The complainant sought, inter alia, an experience certificate for the period 27.12.2011 to 20.02.2017, consequential/terminal benefits,

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pending salary, action against the officials concerned, reimbursement of legal expenses and compensation of Rs. 80,00,000/-.

2. Notice to the Respondent(s)

2.1 A notice under Sections 75 and 77 of the Rights of Persons with Disabilities Act, 2016, was issued to the respondents on 28.06.2024, calling for comments on the affidavit and also requiring disclosure of compliance with Sections 21 and 23 of the Act. A reminder dated 08.08.2024 was thereafter issued when no reply was received within the time. The complainant also sent repeated e-mails stating that no replies had been received from any respondent and requesting an early hearing. No written reply was filed by any respondent prior to the hearing.

3. Hearing:

3.1 The matter was accordingly taken up for hearing on 26.05.2025. The complainant appeared and was heard. Respondent No. 1, i.e., MANUU, was represented through its Registrar. An officer from UGC was also present.

4. Record of Proceedings:

4.1 The complainant submitted that after his appointment as Assistant Professor on 27.12.2011, he was subjected to humiliating treatment on account of disability, was allotted a room on the second floor without lift access, and his written complaints regarding the condition of the room/cabin and unhygienic surroundings were ignored. He further alleged that he was overburdened with work, denied leave for treatment, and was eventually terminated on 02.12.2013 on the grounds that he had not cleared the NET within the stipulated period. He also relied on his subsequent success before the High Court and the Supreme Court, while contending that the respondents continued to discriminate against him and to deny the reliefs now claimed.

4.2 The Respondent No. 1 submitted that, in compliance with the directions of the Hon'ble Supreme Court, the University had taken steps to create a vacancy and issue a fresh joining opportunity. According to MANUU, in January 2024, a notice was issued, and after completion of the notice period, joining letters were issued on 22.05.2024. Two similarly situated teachers joined, but

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the present complainant sought time and thereafter communicated that he was not interested in rejoining because he was already serving elsewhere. The University thus contended that it had complied with the Supreme Court order and that the present claim for compensation and other monetary reliefs could not be entertained in these proceedings.

5. Observations:

5.1 This Court observed that the appointment order dated 08.12.2011, which shows that the complainant was appointed as Assistant Professor in Information Technology under the unreserved category on a temporary basis for two years, subject to the condition that he had to clear NET in the relevant subject within two years. In the event of clearing NET within that period, the temporary period was to be treated as probation. The record also includes the termination order dated 02.12.2013 stating that he had not cleared NET within the stipulated period and that his appointment would stand terminated on 26.12.2013.

5.2 The annexed court orders further show that the complainant challenged the termination before the High Court, that an interim suspension of the termination order was granted on 26.12.2013, and that the matter ultimately travelled up to the Supreme Court. By order dated 07.11.2023, the Hon'ble Supreme Court declined to interfere with the judgment of the High Court, directed compliance within one month, and specifically ordered that the respondents would not be entitled to back wages, but would be allowed other consequential benefits.

5.3 The first question is one of jurisdiction and maintainability. From the complaint, annexures and hearing submissions, it is evident that the foundation of the present dispute remains the complainant's termination for non-fulfilment of the NET condition and the consequential service benefits claimed therefrom. These issues were directly placed before, and adjudicated in substance by, the High Court and thereafter the Supreme Court. This Court cannot sit in appeal over those proceedings, reopen the service dispute in another form, or adjudicate claims that are essentially consequential to the service litigation.

5.4 Upon considering the records of the case and the submissions of the parties, this Court also noted that the complainant expressly connected the alleged discrimination to the same chain of

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events that culminated in the termination.

5.5 This Court is not a forum for adjudicating service disputes already carried to the High Court and Supreme Court. The reliefs now sought - experience certificate, NPS, gratuity, leave benefits, salary for the disputed period, legal expenses and compensation - are all fundamentally consequential service claims. To the extent any surviving grievance arises out of the execution, interpretation or non-compliance of the orders passed by constitutional courts, the complainant would have to pursue the remedy before the competent forum in accordance with law.

5.6 Notwithstanding the above, the record does reveal material disability-related accommodation and accessibility, or rather the lack of them. The complainant's annexures include contemporaneous written requests made in 2012-2013 regarding the poor condition of the allotted room/cabin and the difficulties caused to him. In the hearing, the complainant reiterated that he had been allotted a second-floor room without lift access, while MANUU disputed that disability-related issues had been brought to its notice at the relevant time. Given the age of the events, the lack of response from the respondents in these proceedings, and the fact that the complainant has admittedly not rejoined the University after the Supreme Court proceedings, no effective adjudication of individualised past relief on this aspect is possible in the present complaint.

5.7 Nevertheless, the duties cast by the RPwD Act, 2016 upon establishments continue. Accessibility is not something that should be demand-driven. The Hon'ble Supreme Court in Rajive Raturi Case observed that Accessibility is not a standalone right; it is a prerequisite for PWDs to exercise other rights meaningfully. In para 39 of the judgment, the Supreme Court held as under:

"39. It is crucial to reiterate that accessibility is an ex-ante duty, meaning that the State is required to implement accessibility measures proactively, before an individual even requests to enter or use a place or service. This proactive responsibility ensures that accessibility is embedded in the infrastructure and services from the outset."

5.8 Further, the notice in the present case had specifically called upon the respondents to state compliance with Sections 21 and 23 of the Act concerning Equal Opportunity Policy and appointment of a Grievance Redressal Officer. No written affidavit was filed despite notice and reminder. During

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the hearing, no clear documentary assurance of statutory compliance was placed before this Court. In these circumstances, while the service-related reliefs claimed by the complainant cannot be granted here, institutional directions to secure prospective compliance with the RPwD Act are warranted.

6. Recommendations:

6.1 The prayers for experience/service certificate, NPS, gratuity, leave encashment/leave benefits, salary/back wages for the disputed period, legal expenses, compensation and punitive action against individual officers are not entertained in these proceedings, for want of jurisdiction to reopen or re-adjudicate a service dispute that has already been carried to the High Court and Supreme Court.

6.2 Respondent No. 1, shall, if not already done, ensure time-bound compliance with Sections 21, 23, 40, 41, 42, 44, 45, and 46 of the RPwD Act, 2016 by notifying and operationalising an Equal Opportunity Policy, designating a Grievance Redressal Officer, publicising the details thereof, and maintaining an effective mechanism for disability-related grievances and reasonable accommodation.

6.3 Respondent No. 1 shall also review accessibility and reasonable accommodation measures in relation to faculty/staff workspaces and common areas, and shall undertake sensitisation of administrative and supervisory officers regarding non-discrimination and reasonable accommodation under the RPwD Act, 2016.

6.4 In view of the absence of any distinct actionable relief against Respondent Nos. 2 and 3 in the facts of the present complaint, no separate directions are called for against them in these proceedings.

6.5 In accordance with Section 76 of the RPwD Act, 2016, an Action Taken Report on the above recommendation shall be filed by Respondent No. 1 within 3 months from receipt of this order, with a copy to the complainant.

7. The Case is disposed of accordingly.

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Yours faithfully,

**(S. Govindaraj)
Commissioner**

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