



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. 14428/1012/2023

In the matter of —

Dr Umesh Kumar Vates

... Complainant

Versus

The Registrar,
 Indian Institute of Technology, Jammu

... Respondent

1. Gist of the Complaint:

1.1 Dr Umesh Kumar Vates, a person with 64% Locomotor Disability (Left Arm), filed a complaint dated 17.08.2023 regarding the denial of selection to the post of Assistant Registrar reserved for persons with disabilities by the Indian Institute of Technology Jammu (IIT Jammu).

1.2 The Complainant submitted that he had appeared in a computer-based online test in the IIT Jammu campus C3I Lab on 30.07.2023 for the applied post under disability categories. A total of 8 candidates had appeared in the test. At the beginning at 10.25 a.m., he requested the invigilators to allow him 30 minutes more time in the 90-minute examination as per the guidelines. No invigilators were agreed for that, and said that it might be provided in a handwritten test only, and no extra time would be allowed, as only a mouse click was required there. Ultimately, no extra time was provided to him. He was the only candidate with disability appearing in the test. Even after that, one hour's written Trade Test was also conducted, but again, no extra time was allowed to him.

1.3 Based on the written test, the names of the successful candidates who had secured more than 30 marks. The name of the Complainant was not announced.

When the Complainant asked for his marks obtained, the Respondent refused to disclose and only told that his marks were less than 30, and the candidates having more than 30 marks were only considered.

1.4 The Complainant requested the Respondent to shortlist him after applying a relaxed standard for benchmark disabilities against the reserved vacancy. But his request was denied, and he was forced by the Respondent to leave the IIT Jammu campus.

1.5 The Complainant prayed that he be selected by giving him relaxation in marks.

2. Notice issued to the Respondents:

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 27.08.2023 was issued to the respondents for forwarding to this Court their comments on affidavit on the complaint within the statutory time limit.

3. Reply filed by the Respondent:

3.1 The Respondent, in their reply dated 09.09.2023, inter alia, submitted that as per Disability Certificate of the Complainant, he has 60% impairment in the left arm. No additional time was given to him as dominant (CBT-Computerised Objective Questionnaire-Stage I Selection Process), as the recruitment was not designed to slow down the performance function of the candidate. The candidate never requested a Scribe/reader/lab assistant before the scheduled written test, nor during the written test.

3.2 His claim of being the only PwD candidate during Stage I is not correct, as a total of 02 PwD candidates appeared for the Stage I. Out of the 02 candidates, one PwD candidate cleared the first CBT round and appeared in Stage II. Hence, the allegations are absolutely baseless. Further, no suitable candidate was found and in compliance with Clause 8 of the OM No.36035/02/2017-Estt (Res) dated January 15, 2018, issued by DoPT, Ministry of Personnel, Public Grievances and Pensions. The criteria for PwD candidates were relaxed by 5% in comparison to other candidates, i.e. PwD candidates must score 30% and above for continuing in the selection process for Stage-II. However, the Complainant had scored only 18%, which is far less than the set cut-off marks.

3.3 The allegation that the Registrar refused to disclose the marks to the Complainant is incorrect, as the results were announced loudly to all the candidates. His accusations against the administration are baseless, as all decisions are arrived at within the existing guidelines.

3.4 The allegation that the administration forced us to leave the campus immediately is absolutely baseless and malicious. His other allegations are without any evidence.

4. Notice to file Rejoinder:

The reply of the Respondent was forwarded to the Complainant vide email dated 03.10.2023 for submission of his rejoinder within 15 days.

5. Rejoinder filed by the Complainant:

5.1 The Complainant, in his rejoinder dated 05.10.2023, submitted that as per the Adv. No: IIT Jammu/ 01/2023, one post of Assistant Registrar was reserved for PWD (OH/VH) out of the total three posts. 17 candidates were shortlisted and eligible for the stage-I test out of a total of 92 applications, as per letter No. IITJmu/Rectt./2023/13 dated 11.07.2023. A total of 08 candidates (including me as Gen. PWD-OH OA) were reported for the stage-I test on 30.07.2023 at the IIT Jammu campus.

5.2 Stage-I test comprises two tests online and offline on 30.07.2023 at the IIT Jammu campus. At the beginning of the examination, he requested the invigilator to provide the extra time as per O.M. F. No. 29-6/2019-DD-III Govt of India, dated 10.08.2022, but his request was not considered.

5.3 No benchmark criteria were mentioned in the notification of the advertisement for this post. The Officiating Registrar, IIT Jammu, announced the result just after the online and offline tests, stating that all those who got at least 30% in the online test were shortlisted. It is not justified to keep a 30% benchmark for all categories. If such benchmarking is being adopted by the establishment, then it should be category-wise and depending on the availability of candidates for reducing numbers in their respective categories.

5.4 As per the RTI response No. IITjmu/Estt.II/16-14/3/2022/368 dated 24.08.2023, the Selection Committee had decided 30% marks as a benchmark in

stage-I for PWD candidates and 35% for others (Gen, OBC, SC, ST & EWS), and in this way, 06 candidates were shortlisted for stage-II and two candidates, including the Complainant and one SC candidate, were disqualified and asked to leave campus. If this recruitment process was fair and clean, then it is also unjustified to keep 35% benchmarking criterion for all categories (Gen, OBC, SC, ST & EWS). If 35% was the criterion for all other categories, then why OBC candidates' Roll No. AR/1100011504 was shortlisted at 34%.

5.5 5% relaxation was given to OBC and SC/ST, which means 30% was the benchmark for all the categories, including PWD, which was not justified. He was the only PWD candidate who appeared in the test and was not shortlisted at 18% marks, and the seat was left vacant.

6. Status of the case:

6.1 This Court vide email dated 30.06.2025 sought the status of the case both from the Complainant as well as the respondent. In response, the Complainant vide email dated 01.07.2025 submitted that he has filed a Writ Petition (C) No. 3027/2024 CM No. 7458/2024 before the Hon'ble High Court of Jammu & Kashmir and Ladakh at Jammu in this matter, and the case is still pending before the Hon'ble High Court at Jammu.

7. Observations & Recommendations:

7.1 Based on the facts mentioned above and the documents available on the records, particularly the submission made by the Complainant vide email dated 01.07.2025, the matter is sub judice. Therefore, no further intervention is warranted.

7.2 Accordingly, the case is closed.

(Ipsita Mitra)

Dy. Chief Commissioner for Persons with Disabilities