



## 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. 13900/1040/2023**

**In the matter of —**

Sh. Mohamad Iqbal Rather

**...Complainant**

**Versus**

The Chairman,  
University Grants Commission (UGC)

**...Respondent No.1**

The Secretary,  
D/o Higher Education, New Delhi

**...Respondent No. 2**

### **1. Gist of Complaint:**

1.1 Mohamad Iqbal Rather, a person with Benchmark disability, filed a complaint dated 25.01.2023 regarding formulating the policy for Assistant Professors with Disabilities working in Higher Education Departments for easy access to PhD programmes in the local university, either on a regular or part-time basis.

1.2 The Complainant submitted that he is working as an Assistant Professor (Urdu) in the Higher Education Department, UT of Jammu and Kashmir (J&K). As per the Career Advancement Scheme (CAS) notified by the University Grants Commission (UGC) on 30.06.2010, the Assistant Professors with a PhD will be promoted to the next grade after 4 years; the Assistant Professors with an MPhil Degree will be promoted to the next grade after 5 years; and the Assistant Professors without PhD OR MPhil will be promoted to the next grade after 6 years. But UGC did not formulate any specific scheme for the Assistant Professors, who are suffering from any disability, to pursue a PhD Degree. He also submitted that he is a person with 100% Locomotor Disability and it is very difficult for him to pursue his PhD Degree outside UT of J&K.

1.3 He had applied many times to local universities for a PhD program, but in the prevailing admission scenario, he was not selected, despite having good teaching experience. He is still ready to go for a PhD program, either on a regular or part-time basis, but due to the UGC guidelines and the guidelines issued by the Department of Higher Education, J&K, he could not get admission in any local university in a PhD program. He further submitted that, as he is a non-PhD candidate, his promotion to the next grade was not done even after the completion of 4-5 years of service. As per the UGC guidelines, he has to wait for the completion of 6 years of service. His promotion under CAS was halted for 4 years without his fault.

1.4 He has prayed to look into the issue and the concerned departments, especially UGC and the Higher Education Department of the country, to formulate a policy for Assistant Professors with Disabilities for easy access to PhD programs in local universities on either a regular or part-time basis, so that they may not be deprived of on-time promotions.

## **2. Notice issued to the Respondent:**

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 22.03.2023 was issued to the respondents for forwarding their comments on affidavit on the complaint within the statutory time limit.

## **3. Reply filed by the Respondent:**

3.1 The Under Secretary, UGC, Respondent No.1, filed their reply dated 22.06.2023 and submitted inter alia that the Complainant did not specify clearly the reasons for his not getting selected for a PhD program in any local University. He has neither mentioned the specific university nor denied the admission nor provided any relevant details. Admissions to a PhD program are regulated by the UGC Regulations, 2022.

3.2 Statutory reservation has been provided to Persons with Benchmark Disabilities (PwBDs) in admission to all courses in Universities and Higher Educational Institutions (HEIs), and they are bound to follow the reservation policies for PwBDs formulated by Central/State Governments.

3.3 The UGC has formulated the UGC Accessibility Guidelines and Standards for HEIs and Universities in 2022 and circulated the same to all HEIs for their implementation and strict compliance. Under these guidelines, provisions have

been made for easy access to all programs, built infrastructure, curriculum, etc., for the inclusion and participation of PwBDs in all aspects of higher education.

### **3. Rejoinder filed by the Complainant:**

3.1 The Complainant filed his rejoinder dated 19.07.2023 and submitted that he had applied to the University of Kashmir for the PhD Program but was not selected due to unknown reasons. He requested to formulate an easy policy for the divyang persons who are in-service as Assistant Professors for the PhD Program in local universities, so that they may get a research opportunity easily.

### **4. Hearing (I): A hearing in hybrid mode was held on 13.02.2025:**

4.1 Hearing was joined by Complainant and Representatives of Respondent named, Shri Manish Joshi, Secretary UGC, Dr. G. S. Chauhan, Joint Secretary, UGC, Dr. Nikhil kumar, Deputy Secretary, UGC, Adv. Om Prakash, Panel Counsel for UGC and Ms. Smita Srivastava, Director, Dept. of Higher Education

4.2 During the hearing, this Court reviewed a letter from Government Degree College, Sumbal (dated 27.02.2021), which indicated the Complainant was offered admission to a part-time PhD program.

4.3 The Court appreciated the UGC's involvement and indicated that it may approach the Commission if needed. It advised the Complainant to direct the grievance to the State Commissioner for Persons with Disabilities in J&K, clarifying the authority involved. Respondent No. 2 agreed to comply with all Court recommendations.

4.4 The Complainant was advised to file a rejoinder within 15 days.

### **5. Withdrawal request sent by Complainant:**

5.1 The Complainant vide email dated 09.06.2025 stated that he wishes to pursue the matter with the J&K Higher Education Department and, accordingly, withdrew his complaint against the UGC and Central Higher Education Department.

### **6. Observations and Recommendations:**

6.1 The Court has taken note of the letter dated 27.02.2021 issued by Government Degree College, Sumbal, regarding the Complainant's admission to a part-time Ph.D. programme. The grievance pertains to higher education within the jurisdiction of the J&K authorities.

6.2 The Complainant was accordingly advised to approach the State Commissioner for Persons with Disabilities, J&K, and the J&K Higher Education Department. The Complainant has now sought withdrawal of the complaint against the UGC and the Central Higher Education Department, stating that he intends to pursue the matter before the J&K Higher Education Department.

6.3 In view of the voluntary withdrawal and availability of a competent forum, no further adjudication on merits is warranted. This approach is also consistent with the settled judicial principle that a quasi-judicial authority may refrain from adjudicating where an effective alternative forum is available. The Hon'ble Supreme Court in *Vikash Kumar v. UPSC*, (2021) 5 SCC 370, and *Jeeja Ghosh v. Union of India*, (2016) 7 SCC 761, has also emphasized the rights of persons with disabilities to equality, dignity and reasonable accommodation.

6.4 Accordingly, the complaint is disposed of as withdrawn, without expressing any opinion on the merits. The Complainant shall remain at liberty to approach the competent authorities, including the State Commissioner for Persons with Disabilities, J&K, and to approach this Court afresh, if required, in accordance with law.

Digitally signed by  
S Govindaraj  
Date: 10-09-2026  
12:29:27

**(S. Govindaraj)**

Commissioner for Persons with Disabilities

Copy to : Sh. Sarmad Hafiz, State Commissioner for Persons with Disabilities, Jammu & Kashmir (comm.pwds@jk.gov.in)