



सत्यमेव जयते

न्यायालय मुख्य आयुक्त विकलांगजन
COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES
विकलांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities
सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment
भारत सरकार / Government of India

Case No. 3485/1014/2015

Dated: 18th August 2017

In the matter of :

Shri Prakash Chand *R2941*
B-3/15, Yamuna Vihar
Delhi-110053..

... Complainant

Versus

University Grants Commission *R2942*
Through the Joint Secretary
National Educational Testing (NET) Bureau
Bahadur Shah Zafar Marg, New Delhi.-110002

... Respondent

Date of Hearing: 09.06.2017

Present:

1. Complainant absent.
2. Shri Mahesh Kumar, Sr. Statistical Officer and Shri Vikas Heena, UDC on behalf of the respondent.

ORDER

Shri Prakash Chand, complainant, a person with visual impairment filed a complaint dated 29.12.2014 against the University Grants Commission regarding distribution of seats between the OH and VH candidates in the NET Examination held in June, 2014 for selection of Assistant Professor and Junior Research Fellowship in the subject of Computer Science. According to him, for the Assistant Professor Examination, 07 candidates with disabilities were selected out of which 05 from OH category and 02 from VH category. Further, the complainant claimed that it should be 04 for OH and 03 for VH as per Section 33 of the Persons with Disabilities Act, 1995. Similarly, for Junior Research Fellowship, 02 candidates with disabilities were selected and the both were in OH category and no candidate with visual impairment was selected. The complainant also submitted that the cut-off point in the merit list for OH and VH category were combined whereas they should have been separate and that this is not as per Section 33 of the PwD Act. He also referred the clause XV of the guidelines for conducting the written examination, notified by the Ministry of Social Justice and Empowerment, Department of Disability Affairs (now re-named as Department of Empowerment of Persons with Disabilities [Divyangjan]). The complainant further submitted that apart from the above, 696 candidates were selected in the Assistant Professor Examination (Computer Science) and 89 Junior Research Fellowship (Computer Science) and as per Section 33 of the PwD Act, 21 seats were to be reserved for Assistant Professor Examination and 03 seats were to be reserved for Junior Research Fellowship whereas only 07 and 02 candidates were selected in the Assistant Professor Examination and Junior Research Fellowship respectively. There is no provision of separate cut-off list for OH and VI candidates in the PwD Act, 1995. However, it is seen that the seats/vacancies were neither reserved nor filled as per the mandate of Section 33 of the PwD Act.

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(कृपया भविष्य में पत्राचार के लिए उपरोक्त फाईल/केस संख्या अवश्य लिखें)
(Please quote the above file/case number in future correspondence)

2. The matter was taken up with the Joint Secretary, University Grants Commission vide this Court's letter dated 07.04.2015 for submission of their comments in the matter.

3. As University Grants Commission did not send their comments in the matter, a reminder dated 07.03.2017 was also sent to them for submission of their comments in the matter. Despite the above, they did not send their comments to this Court. Accordingly, it was decided to hold a personal hearing in the matter.

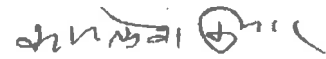
4. The hearing in the matter was scheduled for 09.06.2017 at 1500 hrs. and both the parties were informed accordingly vide this Court's Notice of Hearing dated 11.05.2017.

5. At the time of hearing on 09.06.2017, the complainant remained absent whereas the representatives of the respondent were present.

6. During the hearing, the representatives of the respondent produced a copy of their letter No. 15-4(June,2013)/2013/(NET) dated 05.06.2017, which was taken on record. In the said letter, it was indicated that the respondents had responded to this Court's reminder dated 07.03.2017 and had sent their reply vide letter dated 24.05.2017. They further submitted that the contents mentioned in the letter are their submissions and may please be considered accordingly.

7. As per the reply of the respondent and accordingly to data of June, 2014, UGC-NET, a total of 11 candidates of persons with disabilities were declared qualified for eligibility of Assistant Professor only in the subject of Computer Science and Applications (code 87), i.e. 8 candidates in PH category and 03 candidates in VH category whereas the complainant has claimed that only 07 candidates were declared qualified (5 OH and 2 VH). For Junior Research Fellowship in all 4 candidates were declared qualified in the subject of Computer Science and Applications (Code 87), i.e. 3 candidates in PH category and 01 in VI category whereas the complainant has claimed that only 2 candidates of OH category were declared qualified for Junior Research Fellowship. Moreover, the objective of NET is to ensure that only those candidates who have a sound and all round knowledge of the subject and keen general awareness and learning ability should be declared eligible to become university/college teachers. Only such teachers would be able to impart quality education to the student fraternity. This shall cause a ripple effect and will lead to overall improvement in educational standards throughout the country. However, there is a provision to allocate Junior Research Fellowship in each UGC-NET in accordance with the Govt. of India reservation policy. A minimum of 27%, 15%, 7.5% and 3% of Fellowships are allocated to the OBC, SC, ST and PwDs categories respectively, subject to the availability of candidates who have qualified for eligibility for Assistant Professor and who have opted for JRD in their application forms. Fellowships to PH and VH categories are not allocated in separate quotas, both are allocated to PwD category. Further, in June 2014 UGC-NET, 3.46% of the Junior Research Fellowships were allocated to the PwD category. The detailed qualifying criteria for UGC-NET conducted by UGC till June 2014 UGC-NET has been uploaded on the website www.ugcnetonline.in. The criteria for declaration of result of UGC-NET is extremely scientific and is based upon statistical formulae. The methodology is absolutely unbiased and devoid of subjectivity.

8. The Court after going through the submissions made in the letter, observed that there is no violation of the provision of the Persons with Disabilities Act, 1995 and directed that in light of Rule 42(4) of the Persons with Disabilities Rules, 1996, the complaint is dismissed in default.
9. The case is accordingly disposed off.



(Dr. Kamlesh Kumar Pandey)
Chief Commissioner
for Persons with Disabilities