



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.5445/1146/2015

Dated:- 14.03.2017

In the matter of:

Dr. R.G. Narsapur,
Email: rajanalgesia@hotmail.com

Complainant

Versus

Indian Institute of Technology,
Through Registrar,
Powai,
Mumbai-400 076.

Respondent No. 1

Shri Shreyas Mangalgi,
'Jayaniketan', Near Hanuman Temple,
Gopalpur Galli,
Bijapur – 585 104

Respondent No. 2

Date of hearing : 11.01.2017, 20.02.2017

Present :

11.01.2017

1. None appeared on behalf of the Complainant.
2. None appeared on behalf of Respondent No. 1
3. Shri Shreyal Mangalgi, on behalf of Respondent No. 2

20.02.2017

1. None appeared on behalf of the Complainant.
2. None appeared on behalf of Respondent No. 1
3. Shri Shreyal Mangalgi on behalf of Respondent No. 2

ORDER

The above named complainant Dr. R.G. Narsapur filed an E-mail complaint dated 08.11.2015 under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the Act regarding fraud in getting Disability Certificate for getting admission in IIT, Mumbai.

2. The complainant submitted that Shri Suhilendra Mangalagi had come to their Institute in the year 2011 for getting Disability Certificate. He was assessed in different Department and was awarded 18% of disability. He was surprised while giving interview at Chennai, the Medical Officer not authorized to issue Disability Certificate issued him a Certificate by virtue of which he got admission in IIT, Mumbai and was selected for B.Tech and M.Tech Courses in Mechanical Engineering depriving the eligible students the choicest subject. He has also submitted that he may be referred to any recognized authority to reassess the degree of disability and do justice for the deserving students and suitably punish the persons involved in it.

...2/-

3. The matter was taken up under Section 59 of the PwD Act, 1995 with the respondents vide this Court's letter dated 10.12.2015.

4. Respondent No. 1 vide letter No. Acad/2015-16/11D070056 dated 22.12.2015 submitted that Shri Shreyas Suhilendra Mangalagi produced the disability certificate in the format prescribed by JEE-2011. IIT, Kanpur was Organizing Institute for JEE 2011. The student reported to Zonal IIT, Madras for counseling and verification of documents. Along with the recommendation for admission, the related papers were forwarded by the zonal IIT to IIT, Bombay. Further, vide letter dated 04.10.2016 submitted that JEE admission form and physical disability certificate of Mr. Shreyas Mangalagi has been sent to the Commission vide letter No.Acad/2015-16/11D070056 dated 22.12.2015.

5. Upon considering the replies dated 22.12.2015 and 04.10.2016 of the respondent, a hearing was scheduled on 11.01.2017.

6. During the hearing on 11/01/2017, none appeared on behalf of complainant and Respondent No. 1 i.e. Indian Institute of Technology, Mumbai. Shri Shreyas Mangalagi, Respondent No. 2 attended the hearing and filed an Affidavit before the Court stating that -

(i) As per Para 1.8 of the Brochure of IIT, JEE - 2011 which says -

"1.8 MEDICAL BOARD FOR PD CANDIDATES : In case of PD candidates, a duly constituted Special Medical Board will certify the degree of physical disability, as well as their fitness to undergo the course of study in which admission is sought. Candidates who qualify under PD subcategory will have to appear before this special Medical Board at one of the following IITs: IIT Bombay, IIT Delhi, IIT Kanpur, IIT Kharagpur, IIT Guwahati, or IIT Madras between June 8-10, 2011 (each IIT will have a specific date within that range, please refer to the table 'Medical Examination for PD Candidates' at the back page of this brochure). Such candidates must have their JEE-2011 Admit Card with them. Failure to appear before this medical board shall lead to cancellation of reservation benefits under the PD subcategory."

(ii) Accordingly, he appeared before the Special Medical Board between June 8, 2010 at Chennai, and after due examination and several medical tests the Special Medical Board directly submitted the report and the certificate to the J.E.E. Selection Authorities without even supplying the copy of the same to him. The Special Medical Board has not asked him for any of his earlier medical records before proceeding to assess his percentage of physical disability. Therefore, there is no such act of mis-representation, suppression of facts or an element of fraud as alleged by the complainant.

(iii) After completion of 05 year course in IIT Mumbai, Shri Shreyas Mangalagi appeared for Post Graduate Diploma in Business Analytics (PGDBA), 2016 which has 3% reservations

for persons with disabilities. The online application form for admission in PGDBA course required the percentage of disability. In order to submit the disability certificate, he appeared before the Medical Board at Bowring and lady Curzon Hospital, Bangalore Government of Karnataka on 22/12/2015. Medical Board at the hospital assessed his disability at 50% considering shortening of left lower limb and O.A. Hip. Further, he also submitted the copy of the Disability Certificate bearing SI. No. 779470 issued to him by the Government of Karnataka.

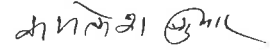
- (iv) He requested the Chief Commissioner for Persons with Disabilities to consider the fact that it is the Special Medical Board which has issued the disability certificate to the JEE Selection Authorities directly specifying the extent of his disability, and he did not even have a copy of the same to know what was the extent of his disability according to the certificate issued by the Special Medical Board constituted by JEE.
- (v) He further requested the Chief Commissioner for Persons with Disabilities to dismiss the case in the light of submissions made by him.

7. After hearing the oral submissions made by Shri Shreyas Mangalagi and perusal of the records available in the file, there seems no violation. However, since the complainant was not available during the hearing to submit his version of the case. Therefore, considering the natural justice, the Court is giving one more chance to the complainant to appear and submit his version. Accordingly, the case was re-scheduled for hearing on 20.02.2017.

8. During the hearing on 20.02.2017, none appeared on behalf of the complainant and Respondent No. 1. Nor any intimation has been received about their inability to attend the hearing despite the fact that the copy of Record of Proceedings was sent on 07.02.2017 by Speed Post. The Court noted with serious concern, the utter disregard shown by the Complainant and Respondent No. 1 by neither intimating their inability to attend the hearing nor caring to send their versions of the case.

9. Respondent No. 2 submitted that Complainant has never followed up with the case or has ever appeared before this Court for hearing on 11.01.2017 and even on today. Complainant has filed this complaint only with the intention to harass the Respondent No. 2. Sufficient opportunity was given to the Complainant to put forth his case. However, till this date Complainant has not appeared or made any submissions before this Court. He further submitted that he is residing in Pune, Maharashtra for the work purpose. Travelling from Pune to Delhi on each date is time and cost consuming. Considering all the facts stated above, this Court is requested to dispose off the present case on merits as early as possible. Respondent No.2 prays for award of Rs.50,000/- being the cost incurred in attending the case and suitable damages for mental agony.

10. In the light of Rule 42(4) of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Rules, 1996, the complaint is dismissed in default as devoid of merits.
11. The case is accordingly disposed off.



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