



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. 5581/1040/2015

Dated : 04/07/2016

**In the matter of:**

Shri Devinder Kumar Arora, D/21  
Father of Ms. Monika Arora,  
H. No. 1/9158A, Street No. 4,  
West Rohtas Nagar, Shahdara  
Delhi-110032,

..... Complainant

Versus

Indira Gandhi National Open University, D/22  
Through – Registrar,  
Maidan Garhi,  
New Delhi – 110068.

..... Respondent

Date of hearing : 30.05.2016

**Present:**

1. Devinder Kumar Arora, father of Ms. Monika Arora, Complainant.
2. V. Gowri Sankar, Assistant Registrar, on behalf of Respondent.

**ORDER**

The above named complainant, father of Ms. Monika Arora, a person with 80% Speech & Hearing Impairment filed a complaint vide dated 04.12.2015 and email dated 07.12.2015 under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the Act regarding not issuing the Hall Ticket by IGNOU to his daughter Ms. Monika Arora to appear in the Term End Examination-December, 2015.

2. The complainant submitted that as advised by this Court, her daughter Monika Arora had filled up the form to appear in the Term End Examination – June, 2015 with all remaining courses i.e. CS-72, CS-07, CS-08, CS-12, CS-14 and CS-54, but she was allowed to appear only in one paper i.e. CS-72 which she successfully passed. In order to get the complete BCA-MCA (Integrated) Programme, she has to clear other remaining 5 papers of MCA being a part of BCA-MCA (Integrated) Programme. She filled up the form of Term End Examination – December, 2015. She has not been issued the Hall Ticket by IGNOU to appear in the Term Examination scheduled from 10.12.2015 onwards. He has also mentioned that after intervention of this Court, IGNOU has allowed all the disabled students to clear the left over papers of any course even after the expiry of the validity period of the programme. He has requested this Court to get the Hall Ticket issued to his daughter by IGNOU.

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3. The matter was taken up with the respondent vide this Court's letter dated 16.12.2015 advising them to submit the comments.

4. The respondent vide letter No.IG/SED/Ex-III/CCPD/2015 dated 23.12.2015 has submitted that the University has extended the maximum validity for all the Programmes in respect of disabled students by two years beyond the re-admission period without any fees. In the instant case, two years beyond the maximum duration including re-admission period of two years lapsed in December, 2014. However, the University considered the case sympathetically but the University has already done away with the old syllabus of MCA and no examination is being held for the students of MCA under old syllabus in Term-End Examination, December, 2015. However, the University allowed the student for Term-End Examination June, 2015 for the left out courses of BCA and the students have been issued the Statement of Marks and Provisional Certificate for the BCA Degree. The University is not in a position to permit the student to appear for the examinations in Term-End Examination, December, 2015.

5. The complainant vide his rejoinder dated 22.02.2016 submitted that her daughter has already wasted many years to get the justice in this matter from the University. Then they approached this Court to take this matter with the University in order to allow her to clear the leftover papers. The University revisited the Examination Policy for all the disabled students. In this regard Notification No. FG.IG/SRD-R.IV/Disb.Stu/2015/2266 dated 16.10.2015 was issued by the University regarding the extension of maximum validity for all the Programmes in respect of disabled students by two years beyond the readmission without any fees. But she was allowed to appear only in one paper of BCA in Term-End Examination – June, 2015. Moreover, she was not allowed to appear in 5 papers of MCA in Term End Examination (June, 2015 and December, 2015) for which this Court gave direction to University to allow her. So far the Examination of MCA under the old syllabus (revised by the University later on) is concerned, the said 5 papers of BCA-MCA (Integrated) are approximately equivalent to papers of new syllabus of MCA having a little change. On the basis of equivalency of the papers, the University can allow her to clear these papers. The University has stock of many sets of Examination papers of MCA old syllabus. In the June, 2016 University can conduct the examination of MCA with Old syllabus by using these old papers even for many general students who were not allowed to complete their degree of MCA due to expiry of maximum validity period as other Universities such as University of Delhi, Guru Gobind Singh Indraprastha University, Punjab, Haryana and Maharshi Dayanand University do the same.

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6. Upon considering the reply dated 23.12.2015 of the respondent, this Court's letter dated 14.01.2016 and the rejoinder dated 22.02.2016 of the complainant, a hearing was scheduled on 13.05.2016 which was further rescheduled on 30.05.2016.

7. During the hearing on 30.05.2016, the complainant reiterated his written submission and submitted that as the other Universities such as Delhi University, Kurukshetra University, Guru Govind Singh Indraprastha University, Guru Nanak Dev University, King George's Medical University, Lucknow University and Pondicherry University are allowing all the general students including disable students a mercy chance who could not qualify some papers during the duration of their programme to get the degree. These all Universities are allowing such students to clear backlog of the papers and get Degree. On the same ground we also requested this Court to give direction to the IGNOU to allow my daughter Monika Arora who has to clear 5 papers of MCA such as CS-07, CS-08, CS-12, CS-14 and CS-44 of the part of the BCA-MCA Integrated Degree, which the University is not allowing and not issuing the Hall Ticket to appear in the examination to be held in June, 2016. As earlier, the University did not allow to clear some papers in December, 2015. The complainant requested this Court to give direction to IGNOU to allow his daughter as this Court has revisited the policy for disable persons in the year 2015 to give two chances extra to the persons with disabilities. But she is not being allowed by the revisited policy for the 2 additional chances given by the University. Moreover, the 5 papers which are left to be cleared by my daughter are CS-07 = MCS-13 (new syllabus), CS-14 = MCSE-003, CS-08 = MCS-004, CS-54 = MCS-035. There is no too much change in the new syllabus. Even I have mentioned in my representation that the University is not allowing and asking for new admission to clear the entire MCA Programme with 30 papers of the new syllabus and attend classes and complete the assignment of these 30 papers as well as the assessment Internal Examination to get the MCA Degree, which is very difficult for disabled person to get the fresh admission and pay a huge amount of about Rs.40,000/-. So I pray this Court to look the above said facts and give direction to the University to issue the Hall Ticket of examination of BCA-MCA (Integrated) Examination to be held from 1<sup>st</sup> June, 2016.

8. The representative of the respondent submitted that as per Notification dated 01/06.10.2015 of this University, the maximum duration for completion of a Programme of study (excluding the re-admission period) may be extended by 2 years beyond maximum prescribed duration. It will be applicable only for those students with disability who are covered under it by the definition provided by the Government of India from time to time. In case of Programme where maximum duration is 4

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years, by adding 2 years the total duration would be 6 years. Similarly, for Programmes where maximum duration is 6 years, by adding 2 years, the total duration would be 8 years and so on. In case of students with disabilities, the provision of re-admission should be applicable after the extended duration expires for which no fees will be charged by the University. Keeping in view of the above, it is not possible to give further relief to the student.

9. Upon hearing both the parties and considering the papers on record, this Court observed that there is no violation of any of the provisions of Persons with Disabilities Act, 1995 or Government instructions and the respondent had changed the syllabus/course of its BCA/MCA Integrated Course in the year 2015 itself and had allowed the last candidate to clear the examination till 2014. Since the complainant's daughter failed to clear all the papers till 31.12.2014, this Court cannot give any direction to the respondent. However, since the syllabus of 4 papers of erstwhile BCA/MCA Course is equivalent to present 4 papers of MCA i.e. CS-07 = MCS-13, CS-14 = MCSE-003, CS-08 = MCS-004, CS-54 = MCS-035, it is upto the respondent to place the matter before the Competent Authority for considering the complainant's request. It shall not be treated as a precedent for future examinations.

10. The case is disposed off.

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