



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.: 7263/1033/2016

Dated 20.07.2017

In the matter of:

Shri B. Samaddar,
Nabard Vihar, Flat B-28, Navarangpura
(Near St. Xaviers College Corner),
Navrangpura, Ahmedabad-380006

.... Complainant

Versus

Gujarat National Law University,
Through: The Registrar,
"Attalika Avenue", Knowledge Corridor,
Koba, Gandhinagar, Gujarat - 382007

.... Respondent

Date of hearing: 14.06.2017

Present:

1. Shri Balram Samaddar, complainant and Smt. Mousumi samaddar (the parents of Shri Soutrik Samaddar, the affected person)
2. None appeared for respondent.

ORDER

The above named complainant, father of Shri Soutrik Samaddar who a person with 75% cerebral palsy and student of LL.B, filed complaint dated 03.06.2016 under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the 'Act', regarding allowing his son all the facilities while conducting written examination for the remaining semesters to enable his son to clear the University examination within the academic session 2012-2017.

2. The complainant submitted that Shri Soutrik M. Samaddar is a person with cerebral palsy having 75% disability. He got admission in Gujarat National Law University for 5 years BA, LLB Course in the year 2012 for persons with disabilities. In the first year, he was not allowed extra time and other facilities to appear in the examination conducted by University which in turn resulted in delay in clearing of semester examination by the student. Though the University is now giving extra time to his son to appear before the examination, the issue of non-

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(कृपया भविष्य में पत्राचार के लिए उपरोक्त फाईल/केस संख्या अवश्य लिखें)

adherence to the guidelines of Government of India by the university in the first academic year resulted in delayed clearing of semester. The complainant also submitted that he had approached State Commissioner for Persons with Disabilities, Gujarat who had directed the University to take appropriate steps to address this issue. However, no concrete step was taken by the University in this regard. The complainant requested that the respondent be directed to enable his son to clear the University examination within the academic session 2012-2017 at par with his batch mates and also allow him all the facilities while conducting written examination for the remaining semesters.

3. Under Section 59 of the Act, this Court, vide letter dated 20.01.2017, took up the matter with the respondent and advised him to consider the request made by the complainant and submit comments to this Court as to why the student was deprived of the facility provided in the Act.

4. The respondent vide their letter dated 25.01.2017 submitted that a representation had earlier been filed by the complainant (Case No.6499/1041/2016) in which this Court passed an order stating that "*Since the State Commissioner for Persons with Disabilities has already passed a detailed order in the matter on 22.08.2016, it is not appropriate for this Court to interfere in the matter at this stage. The case was accordingly closed by this Court.*" After receipt of the order from the Office of the Court of Commissioner for Disabilities, the student again filed a complaint with the Office of the Commissioner for Disabilities and accordingly the University was asked to submit a detailed report. The University submitted a detailed reply on 25.11.2016 and based on the reply the Court of Commissioner for Disabilities, Govt. of Gujarat did not issue any further order in the matter. The parents/student had earlier too written letters to the University Grants Commission and two ministers viz., Ministry of Social Justice and Empowerment, Government of India and that of Government of Gujarat. The University replied to all their letters. The University has been just with the student and has been providing all the possible facilities as per the applicable rules.

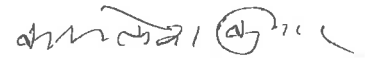
5. This Court vide letter dated 21.03.2017 forwarded the respondent's reply to the complainant for submission of his rejoinder/comments thereto.

6. The complainant in his rejoinder dated 31.03.2017 alleged that the respondent denied his son all necessary support and facilities available for student

with disabilities as per the Act and UGC guidelines since first semester. The compensatory time of one hour was introduced by the respondent in 4th Semester. This act of respondent resulted back papers in semesters, most of the back papers are in 1st to 3rd Semesters. Had the respondent provided these facilities, Soutrik may not have faced difficulties.

7. In view of submissions made by the parties, it appears that the Court of Commissioner for Persons with Disabilities has already passed a detailed order on 19.08.2016, no further intervention is required by this Court in this matter.

8. The case is accordingly disposed of.



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