



न्यायालय मुख्य आयुक्त निःशक्तजन
Court of Chief Commissioner for Persons with Disabilities
सामाजिक न्याय एवं अधिकारिता मंत्रालय
Ministry of Social Justice & Empowerment
निःशक्तता कार्य विभाग / Department of Disability Affairs

Case No.143/1031/2013

Dated:- 19.03.2014

In the matter of:

Shri Pankaj Deshwal,
Flat No. 28, Type-IV,
NSIT Campus, Ajad Hind Fauj Marg,
Sector-3, Dwarka,
New Delhi.

..... Complainant

Versus

University of Delhi,
Through Registrar,
Delhi-110007.

..... Respondent

Date of hearing : 10.02.2014

ORDER

The above named complainant, a person with 70% locomotor disability, filed a complaint dated 01.07.2013 under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the 'Act' regarding denial of admission in Ph.D course in Faculty of Management Studies, University of Delhi.

2. The complainant submitted that he applied for Ph.D course in Faculty of Management Studies, University of Delhi under persons with disabilities category for which the interview was held on 16.04.2013. Faculty of Management Studies released a list of 22 selected candidates on 03.06.2013. He was placed at 19th position in waiting list and at 39th position in the overall list. He further submitted that no student with disability was selected for the programme.

3. Section 39 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the 'Act', provides as under:-

“All Government educational institutions and other educational institutions receiving aid from the Government shall reserve not less than three percent seats for persons with disabilities.”

4. The matter was taken up under section 59 of the Act with the respondent vide letter dated 18.07.2013.

.....2/-

5. The Assistant Registrar, University of Delhi vide letter No.Aca-I/084-085/Migration/2013/257 dated 29.04.2013 intimated that as per the University rules, benefit of reservation is extended to the SC, ST, OBC and PwDs in admission upto M.Phil. level. Since there is no fixed intake for admission to the Ph.D programmes, there is no reservation in admission to the Ph.D course.
6. A copy of reply dated 29.08.2013 of the respondent was forwarded to the complainant vide this Court's letter dated 12.09.2013 for rejoinder.
7. The complainant vide his rejoinder dated 26.09.2013, inter-alia, submitted that the University of Delhi and the Faculty of Management Studies have violated Section 39 of the PwD Act, 1995. JNU, IITs, DTU etc. also do not have any fixed number of seats in Ph.D but they provide reservation to persons with disabilities in Ph.D Programme also.
8. Upon considering the reply dated 29.09.2013 of the respondent and the rejoinder dated 26.09.2013 of the complainant, the case was scheduled for hearing on 11.12.2013, which was adjourned to 10.02.2014.
9. On the date of hearing on 10.02.2014, while the Ld. Counsel of Delhi University appeared, the complainant did not turn up. When he was contacted by this Court on telephone, he informed that he wanted to withdraw the case without citing any reasons. He also sent an e-mail dated 10.02.2014 to this effect which reads as under:-

"It is requested to close my case no.143/1031/13-14. Due to some personal reason I want to withdraw this case. Kindly close this case."
10. Since the complainant does not want to pursue his complainant, the matter is closed.

Sd/-

(P.K. Pincha)
Chief Commissioner
for Persons with Disabilities.