



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

Notice of Complaint to Show Cause

Case No: 841/1011/12-13

Dated: 12.02.2013
Despatch No. R1089

In the matter of:

Dr. Anil Kumar Aneja

Vice President

All India Confederation of the Blind

Braille Bhawan (Behind Rajiv Gandhi Cancer Hospital)

Sector - 5, Rohini, Delhi - 110085

Complainant

Versus

Jamia Millia Islamia

Through the Vice-Chancellor

Jamia Nagar, New Delhi - 110025

Respondent

Whereas the above named complainant has filed a complaint dated 11.02.2013 under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the Act, stating that Jamia Millia Islamia has issued an advertisement bearing No.02/2012-13 on 9th February, 2013 for Special Recruitment Drive for filling up various posts with SC/ST/Persons with Disabilities. Out of 24 vacancies, 8 vacancies were reserved for persons with disabilities i.e. 04 for visual impairment and 04 for hearing impairment. He contended that out of 04 vacancies reserved for persons with visual impairment, 03 vacancies are in teaching subjects knowing that no candidate with visual impairment would be available because they do not study these subjects. The subjects are Bio-Chemistry, Civil Engineering and Bio-Science.

2. And whereas the respondent has reserved 04 vacancies for the hearing impaired whereas Ministry of Social justice & Empowerment has not notified any vacancy under University & College Teachers in Science Stream for persons with hearing impairment. Therefore, the vacancies reserved for candidates with hearing impairment should have been equally distributed between the candidates with visual impairment and locomotor disability in equal ratio.

3. And whereas the Ministry of Social Justice and Empowerment's Notification No. 16-70/2004-DD-III dated 18.01.2007 clearly states that the post under Science stream are reserved for Locomotor disability (OA & OL) and no posts is reserved either for the visually impaired or the hearing impaired. The post under the Arts stream are reserved for candidates with blindness and low vision but even in Art stream, no post has been identified for the hearing impaired;

4. And whereas Section 33 of the Act provides as under:

"Every appropriate Government shall appoint in every establishment such percentage of vacancies not less than three per cent. for persons or class of persons with disability of which one per cent. each shall be reserved for persons suffering from-


(i) Blindness or low vision; (ii) Hearing impairment; (iii) Loco motor disability or cerebral palsy, in the posts identified for each disability:

Provided that the appropriate Government may, having regard to the type of work carried on in any department or establishment, by notification subject to such conditions, if any, as may be specified in such notification, exempt any establishment from the provisions of this section".

5. And whereas Section 59 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 mandates the Chief Commissioner for persons with disabilities on his own motion or on application of any aggrieved person or other wise to look into complaints inter-alia, with respect to matters relating to deprivation of rights of persons with disabilities;

6. And therefore notice is hereby given to the respondent to submit his/her version as to why the respondent should not re-advertise the vacancy notification in accordance with Section 33 of the Act within 30 days from the date of receipt of this notice and keep the recruitment process in abeyance till a final decision is taken in the matter by this court.

Encl: As above



(S.S.Sinha)

Deputy Chief Commissioner