



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.117/1013/12-13**

**Dated:- 17.04.2014**

**In the matter of:**

Shri Sunil Singhal,  
S/o Shri Rohtash Singhal,  
H.No. J-1/A, Jai Prakash Nagar,  
Gali No.4, Gamari Road, Ghonda,  
Delhi – 110053.

<through e-mail: [sunil.singhal843@gmail.com](mailto:sunil.singhal843@gmail.com)>

..... Complainant

Versus

Agricultural Scientists Recruitment Board,  
Through the Director,  
Krishi Anusandhan Bhavan – 1  
New Delhi – 110012

..... Respondent

**Date of hearing : 18.02.2014**

**Present :**

1. None on behalf of Complainant.
2. Shri N.K. Jindal, Under Secretary on behalf of Respondent.

**O R D E R**

The above named complainant, a person with 40% locomotor disability filed a complaint dated 27.08.2012 under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the Act regarding recruitment in ASRB (ICAR) in July, 2011.

2. The complainant submitted that he appeared in the recruitment examination held by ASRB, ICAR for the post of Assistant and secured 110 marks. As per him, candidates with disabilities who secured 131.50 and 129.50 marks were adjusted against the reserved vacancies for persons with disabilities, whereas the last candidate selected under UR category secured 128.00 marks.

3. As per para 7 of Department of Personnel and Training's OM No.36035/3/2004-Estt. (Res) dated 29.12.2005, persons with disabilities selected on their own merit without relaxed standards alongwith other candidates, will not be adjusted against the reserved share of vacancies. The reserved vacancies will be filled up separately from amongst the eligible candidates with disabilities which will thus comprise physically handicapped candidates who are lower in merit than the last

candidate in merit list but otherwise found suitable for appointment, if necessary, by relaxed standards. It will apply in case of direct recruitment as well as promotion, wherever reservation for persons with disabilities is admissible.

4. The matter was taken up under Section 59 of Persons with Disabilities Act, 1995 with the respondent vide this Court's letter dated 26.09.2012.

5. The respondent vide letter No.3-2/2012-Online Exam Cell dated 25.10.2012 submitted that the examination of Assistant Grade in ICAR 2011 was a single combined examination for filling up of vacancies existing under different institutions/establishments of ICAR including its Hqrs. Those were pooled for the purpose. These establishments are distinct and have their separate mandatory post based rosters including for determining the vacancies for PD category. Since the vacancies for different establishments were pooled for the purpose of examination, the short-listed candidates were required to be given option for posting as per their merit including in their given category and as per their own choice. The respondent also submitted that among the pooled vacancies, there were also vacancies in the same post of Assistant belonging to ICAR Hqrs., New Delhi, but having not only the higher Grade Pay but the promotional avenues too being better and different from the posts under other institutions. These aspects were quite clear to the candidates right from the stage of applying for the examination and were part and parcel of the notification of examination as well as known to them clearly at the time of filling up of their options for posting. For example, the two PD category candidates who opted for posting at ICAR Hqrs., New Delhi as per their option could get the same only in their own category (PD) with their given merit rank where only two positions of PD were available. They would be deprived of this choice of posting as well as better post in terms of pay and promotional avenues of Hqrs. In case they were to be treated under General Category ignoring their own option choice submitted by them. The respondent sought advice of this Court as to whether it would be legally in order specifically to consider those two PD category candidates in general category in which case they would be deprived of their choice of posting as well as choice of better post merely for the sake of accommodating the representing candidate who is in the reserve list.

6. A copy of the reply dated 25.10.2012 of the respondent was forwarded to the complainant vide this Court's letter dated 03.04.2013 for submitting his comments in the matter followed by reminders dated 08.08.2013 and 19.11.2013.

7. Upon considering the reply dated 25.10.2012 of the respondent, the case was scheduled for hearing on 18.02.2014.

8. On 18.02.2014, the complainant did not appear in the hearing nor did he file any rejoinder despite reminders.

9. Reiterating the written submissions, the representative of the respondent clarified that the first candidate with disability in the merit list based on the marks obtained in the written examination was at Sr.No.277 i.e. Shri Sujeet Kumar Verma belonging to the OBC-PD Category. In the Headquarter, 27 –

General, 10 SC, 7 – ST and 11 – OBC (total 55) candidates were selected for ICAR Headquarter, New Delhi, where the Grade Pay of the post of Assistant is Rs.4600/-. Although, a separate Merit List of the candidates selected for appointment in the ICAR Headquarter was not available with him, he produced the Select List of candidates indicating, among other details, the marks obtained by each.

10. On perusal of the said list, it is seen that there is no candidate with disability among the first 276 candidates in the Merit List. The first candidate with disability in the said list is at serial No. 277. It can be, therefore, safely concluded that none of the candidates with disability could have been appointed on his/her own merit atleast at ICAR Headquarter. The representative of the respondent also clarified that all the 9 reserved vacancies for persons with disabilities have been filled up.

11. In the light of above, this Court is convinced that the complaint has no merit and hence the same is rejected.

12. The matter is disposed off accordingly.

**Sd/-**

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