

**IN THE COURT OF THE STATE COMMISSIONER FOR RPwDS**  
**AT MALAKPET, HYDERABAD**

**Present: Smt. B. Shailaja, M.A., LLB.,**

**Interim Order dated 20<sup>th</sup> September, 2023**

**Case No. RPwD Act, 2016/271/2023**

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**Date: 20.09.2023**

**Between**

M. Ravinder Reddy, (**for his son M. Vikram Aditya Reddy who is  
Hearing Impaired**)

Supdt., of Police,  
TSTRANSCO (Vigilance), Vidyut Soudha,  
Hyderabad

**...Petitioner**

**AND**

Head of the Department, (Photography),  
College of Fine Arts,  
JNAFAU, Masab Tank,  
Hyderabad.

**...Respondent (1)**

Principal,  
College of Fine Arts,  
JNAFAU, Masab Tank,  
Hyderabad.

**...Respondent (2)**

Registrar,  
College of Fine Arts,  
JNAFAU, Masab Tank,  
Hyderabad.

**...Respondent (3)**

**ORDER:**

The Court of the State Commissioner received a complaint dated 15-06-2023 from Mr. Manasani Ravinder Reddy, Supdt. of Police., TS Transco (Vigilance), Hyderabad, Father of M. Vikram Aditya Reddy who is hearing impaired with 80db hearing loss in each ear. It is stated that his son secured admission in the College of Fine Arts, Jawaharlal Nehru Architecture and Fine Arts University (JNAFAU), Hyderabad under quota reserved for disabled persons to pursue 4-year BFA(Photography and Visual Communications) Degree.

It was alleged that throughout his course period, the college management consistently failed to provide the necessary facilities and accommodations under Rights of Persons with Disabilities Act, 2016. Petitioner further stated that despite numerous appeals, the College authorities denied his son reasonable accommodations, essential support and various facilities necessary for hearing impaired students.

Petitioner further stated that the most concerning aspect of this ordeal revolves around the viva-voce examination for the final semester. The Petitioner further alleged that his Son is subjected to brutal discrimination solely based on his hearing impairment even during the examinations. The Petitioner also complained on the manner in which the viva voce examination was conducted, raises serious concerns about fairness and transparency.

The College authorities in complete disregard of Section 2(Y) of Rights of Persons with Disabilities Act, 2016 and the Guidelines issued by the University Grants Commission (UGC), conducted voice voce examination instead of substituting it with a written examination, though he requested. This decision displayed grave discrimination and violated his son's right as a student with disability.

Petitioner approached the Court of the State Commissioner for his son being a disabled seeking justice and ensuring that disabled students are treated with dignity and equality will not only have a profound impact on his life but also contribute to the larger goal building an inclusive society.

The Petitioner before approaching Court of the State Commissioner has filed criminal complaint on 14-06-2023 under Sections 89, 92 and 93 of the RPwD Act, 2016 in the Police Station. This Criminal Complaint was converted into FIR No. 201/2023 on 18-06-2023 by the Police Authorities. The said FIR registered under Section 92(a) of RPwD Act, 2016.

The above Petition was sent to the Vice Chancellor, Jawaharlal Nehru Architecture and Fine Arts University (JNAFAU), Hyderabad for conducting detailed enquiry into contents raised in the petition and to take appropriate action on it and arrange to send Action Taken Report to the Court of the State Commissioner, RPwDs.

In reply to the Petition filed, the Vice Chancellor and the Principal of the said College/University while submitting their respective replies wherein they denied that they found no grounds or evidence for alleged discrimination on the student, as alleged by the Petitioner.

The aforementioned petitioner and the Respondents or their authorized representatives who are acquainted with this subject knowledge were summoned to appear before this Court in person for a hearing in the above case on 18-08-2023 at 2.30 PM. along with relevant records relating to the above allegations.

The Court of the State Commissioner taken up by hearing on 18-08-2023 in the above case. Both the parties attended and explained their contentions. The petitioner expressed his grief in depth on the non-availability of accessibility facilities to be created for Hearing Impaired students in their study course.

It is observed on hearing the contention of the respondent authorities it is felt that the University authorities have failed to provide required accessible facilities mandated for the PwD students as provided in the RPwD Act, 2016. It is also noticed that the viva-voce examination which was conducted by the university authorities in respect of the petitioner's son is found faulty, violative of not only provisions under RPwD Act, 2016 but also violation of settled procedure guidelines of the University.

It is also noticed that the petitioner having filed Criminal Complaint/FIR in the Police Station, this Court of State Commissioner has sought clarifications as to why he has again approached this Court for filing another complaint on the same Respondent Authorities on the same cause of action. The Petitioner mentioned that he has filed a criminal complaint under Section 92(a) of RPwD Act, 2016 only and reasoned out that there are other grievances as well on the Respondent Authorities, hence he approached this Court.

Further, the Petitioner also submitted certain points of contentions filed in response to the reply submitted by the Respondents infirmities and the reply submitted by the Respondents, wherein the Petitioner leveled serious allegations on the University in providing accessible facilities, reasonable accommodation to the disabled students and requested the State Commissioner on the following:

- A. To re-direct the reply back to the Vice Chancellor, this time with strict orders to conduct enquiry into the points he raised in his Petition and/or to appoint an independent authority for a detailed enquiry in the matter, or such other orders as deemed fit.
- B. To conduct an accessibility audit of the College and submit a report;



- C. To issue necessary directions to re-evaluate the performance of his son and declare the results with fairness;
- D. To direct the Vice Chancellor to give an undertaking that the undue discrimination faced by his Son will never be repeated with any other disabled student in the future.
- E. To direct the University Vice Chancellor and the College Principal that the present Petition does not have any undue influence in his Son's admission to the post graduate course in the Institute.

During the course of proceedings on 18-08-2023 the Court of the State Commissioner sought the reply from the Respondent Authorities for taking up re-evaluation of viva-voce examination to the petitioner's son and to reassess the marks and to issue revised mark sheet after conducting re-evaluation.

In reply to the proceedings held on 18-08-2023, the Convenor & Director, Academic and Planning of the said University stated that the Standing Committee in its meeting held on 21-08-2023 has mentioned the below facts:

- a) The Student or Parent during the period of Study from 2018 to 2022 have never requested for any special consideration/treatment for the student who is differently abled. The College has no record of any such request from either the Student or Parent.
- b) That the Petitioner has raised a request to the HoD on phone just one day before the viva voce examination to be conducted as a written examination in the subjects of Practical training/ Internship and Thesis.

As such, considering the above request, the Standing Committee resolved to permit re-evaluation of the Student's performance in the subjects of Practical Training/Internship and Thesis of 8<sup>th</sup> Semester of BFA (Photography and Visual Communication) program as a special case of a differently abled person. The re-evaluation of the Viva voce may be conducted as a written examination as requested by the Student and the Parent instead of Viva Voce as an oral examination.

This a so cannot be used as precedent for any future examinations.

#### **OBSERVATIONS OF THE STATE COMMISSIONER:**

After having verified with the complaint of the petitioner and the reply furnished by the Respondent Authorities the following observations are made by the State Commissioner in this case.

The Petitioner alleged that his Son is subjected to brutal discrimination solely based on his hearing impairment even during the examinations. The Petitioner further alleged that throughout the 4-year BFA course period of his Son, the college management consistently failed to provide the necessary facilities and accommodations under Rights of Persons under Disability Act, 2016. Petitioner further alleged that despite of numerous appeals the College authorities denied his son reasonable accommodations, essential support and various facilities necessary for hearing impaired students. Petitioner further stated that the most concerning aspect of this ordeal revolves around the viva-voce examination for the final semester. The Petitioner also complained on the manner in which the viva voce examination was conducted raises serious concerns about fairness and transparency. Petitioner further alleged that the College authorities acted in complete disregard of Section 2(Y) of Rights of Persons with Disabilities Act, 2016 and the Guidelines issued by the University Grants Commission (UGC), conducted voice voce examination instead of substituting it with a written exam though he requested. This decision displayed grave discrimination and violated his son's right as a student with disability.

As seen from the above allegations it was observed that the contention of the petitioner to the extent of brutal discrimination was not supported with any recorded evidence. However, the Respondent Authorities have also orally agreed for not providing accessible facilities to the PwD students during the course of their study as mandated in the RPwD Act, 2016 and the guidelines of UGC. As such the Respondent Authorities have failed to provide reasonable accommodation and necessary accessible facilities to the PwD students as mandated in the RPwD Act, 2016.

It is also observed that the said student was awarded 68.3% of marks for all the semesters that indicates that the allegation of the petitioner regarding brutal discrimination on the son of the petitioner is not proved as seen from the written examination marks. However it is also noticed that the Respondent Authorities have failed to conduct viva-voce examination in the form of written examination as mandated by the UGC guidelines and also denied the request of the parent of the student is found faulty and violative of not only provisions under RPwD Act, 2016 but also violation of settled guidelines .

It also observed that neither the Petitioner nor his son never raised this concern with the College/ University authorities until the declaration of the academic results and that neither the Petitioner nor his son never raised any complaint/concern over the lack of facilities

during the 4-year BFA course period but are raising them only after declaration of their academic results.

The Petitioner before approaching Court of the State Commissioner, has filed criminal complaint on 14-06-2023 under Sections 89, 92 and 93 of the RPwD Act, 2016. This Criminal Complaint was converted into FIR No. 201/2023 on 18-06-2023. The said FIR registered under Section 92(a) of RPwD Act, 2016.

The fact that Petitioner having filed Criminal Complaint/FIR in the Police Station, this Court of State Commissioner has sought clarifications as to why he has again approached this Court for filing another Complaint on the same Respondent Authorities on the same cause of action. The Petitioner mentioned that he has filed a criminal complaint under Section 92(a) of RPwD Act, 2016 only and reasoned out that there are other grievances as well on the Respondent Authorities, hence he approached this Court.

Therefore, in view of the above observations the Court of the State Commissioner felt that

- A) The Respondent Authorities have failed to provide required accessible facilities as mandated for the PwD students as provided in the RPwD Act, 2016.
- B) The Respondent Authorities have failed to conduct the viva-voce examination as per the Guidelines issued by the University Grants Commission (UGC) despite request made by the petitioner.

### **RECOMMENDATIONS OF THE STATE COMMISSIONER**

Basing on the above averments made by both parties and the observations thereupon by the Court of the State Commissioner the following recommendations are made as per Section-80 (b) of RPwD Act, 2016:

- 1) The Respondent Authority shall re-evaluate the viva-voce in respect of M. Vikram Aditya Reddy, S/o. the petitioner.
- 2) The Respondent Authorities shall provide all the required accessible facilities as mandated for the differently abled students as per the provisions of the RPwD Act, 2016, UGC guidelines and other applicable laws.



That the Respondent Authorities shall take appropriate action on the above recommendations and arrange to send Action Taken Report to the State Commissioner as per Section-81 of RPwD Act, 20 6.

Accordingly, this interim order is pronounced, pending final orders.

  
**STATE COMMISSIONER**  


Copy communicated to the Petitioner

Copy communicated to the Respondent Authorities for taking further action in the matter and to send Action Taken Report to the Court of the State Commissioner.

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**'Empower the Disabled with Barrier-free Environment'**