



सत्यमेव जयते

न्यायालय मुख्य आयुक्त दिव्यांगजन

COURT OF THE CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)
दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)
सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice & Empowerment
भारत सरकार/Government of India

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Case No. 15588/1011/2024

In the matter of —

Mr. Vinit Nana Hagone ... **Complainant**

Versus

- (1) The Chairman
Bharat Petroleum Corporation Limited ... **Respondent (1)**
- (2) The Chairman & Managing Director
Engineers India Ltd ... **Respondent (2)**
- (3) The Chief Executive Officer,
C-Dot ... **Respondent (3)**

1. Gist of the Complaint:

1.1 Mr Vinit, a person with 100% Hearing Impairment (Deaf) filed a complaint dated 21.07.2024 regarding the denial of reservation in employment by C-Dot [Respondents].

1.2 The Complainant submitted that he is a recent B. Tech (CSE). His rights of getting selection under divyang were discriminated against by the respondents during campus selection despite meeting the eligibility criteria. He is afraid that either he is being ignored or the respondents are not following the provision under Section 34 of the Rights of Persons with Disabilities Act, 2016 [hereinafter referred to as "the Act"].

1.3 He prayed for intervention by this Court for strict adherence of the provisions of the Act by the respondents.

2. Notice issued to the Respondents:

In exercise of the powers conferred u/s 75 & 77 of the Rights of Persons with Disabilities Act, 2016 [hereinafter referred to as "the Act"], notices dated 24.07.2024 and 20.09.2024 were issued to the respondents for forwarding to this Court comments on affidavit on the complaint within the statutory time limit.

3. Reply filed by the Respondent No.1 [BPCL]:

Respondent No.1 filed its reply on affidavit dated 22.08.2024 and inter-alia submitted that they had visited the IIT Ropar campus on 31.10.2023, 01.11.2023, and 02.11.2023 to recruit students from the Mechanical, Chemical, Civil and Electrical Engineering streams only. They had not visited there for hiring Computer Science graduates during that period. Subsequently, by email dated 30.05.2024, BPCL again reached out to IIT Ropar to assess the numbers of eligible and available B.Tech/B.E. Final Year (2024 passouts) students as per BPCL's eligibility criteria in the Mechanical, Chemical, Instrumentation, electrical, Computer Science, and Civil Engineering streams. The college provided the requested details on 02.06.2024. However, BPCL did not proceed further in this regard. Hence no discrimination, the complaint was filed without any basis. The BPCL stated to have endeavoured to comply with all applicable guidelines regarding reservations and necessary relaxations applicable to PwBDs.

4. Reply filed by the Respondent No.2 [EIL]:

The EIL filed its reply dated 07.01.2025 and inter-alis submitted that —

(a) Shri Vinit Nana Hagone, having category declared as HH (100%) from IIT Ropar, had applied against EIL Campus recruitment. year 2024 for Management Trainee in Computer Science/CSE/IT discipline.

(b) As per the declaration of the Complainant and duly forwarded by the Training Placement Officer of IIT Ropar, the last declared percentage up to 7th Semester was 71.70% as against the cut-off 83.49% of the shortlisted PwD candidate for interview. Thus, the Complainant was below the cut-off

marks and, accordingly, he was not shortlisted for the interview.

(c) They finally selected a PwD candidate as a Management Trainee in Computer Science/CSE/IT discipline under campus recruitment mode, to which the Complainant had also applied. The selected candidate scored 83.49% marks,

5. Reply filed by the Respondent No.3 [C-DoT]:

No comment/reply was received from Respondent No.3.

6. Rejoinder filed by the Complainant:

6.1 The Complainant in his rejoinder dated 08.11.2024 submitted that despite completing his B. Tech with good marks, he is jobless and struggling to secure employment despite multiple applications in both private and government sectors.

7. Hearing:

8.1 A hearing was conducted on **08.01.2025 in hybrid mode** (Offline/Online through Video Conferencing). The following parties/representatives appeared during the hearing:

Sl. No.	Name of the parties/Representatives	Mode of Presence
From Complainant:		
1.	Mr Vinit Nana Hagone, Complainant	Online
From Respondent No.1:		
1.	Mr. Rajnish Kumar, Chief General Manager, BPCL	Online
2.	Ms. Jyoti Gouda, Chief Manager (HRD), BPCL	Online
From Respondent No.2:		
1.	Mr. Praveen Kumar, General Manager (HR), EIL	Online
2.	Ms Smitha Sehgal, Dy General Manager (Legal) Engineers India Ltd.	Online
3.	Mr Anand	Online
From Respondent No.3:		
1.	Ms Akshita Gupta,	Online

Legal Manager, C-DoT	
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8.2 Proceedings of the Hearing: At the very outset, the parties were apprised that Mr. Vinit, Complainant, in this case, is a person with 100% hearing impairment who does not know Sign Language. So, he had submitted his written arguments dated 08.01.2025 before this Court. In his written submission, the complainant made the following points:

- (a) The EIL did not comply with the 4% reservation for PwBD as per the Act, i.e. 1% for Blindness and Low Vision; 1% for Deaf and Hard of Hearing; 1% for Locomotor Disability; and 1% for Autism, Intellectual Disability, Mental Illness, and Multiple Disabilities.
- (b) Not a single candidate was selected from the Hearing Impairment category in this recruitment and even since 2016.
- (c) The EIL applied a disproportionately high cut-off mark of 83.49% for PwBD which effectively excluded the qualified candidates like the Complainant (71.7%).
- (d) The workforce of the EIL currently includes only 1.7% PwD, which is significantly below the mandated 4% reservation.
- (e) The EIL rejected the application of the Complainant despite the IIT Ropar Placement Office highlighting the need for reservation with the request for relaxation in eligibility criteria for PwBD candidates; and failed to provide reasonable accommodation.
- (f) The EIL's misunderstanding of the 4% reservation policy led to systemic neglect of PwBDs more particularly, persons with hearing impairment. This not only violates the Act but also undermines constitutional principles of equality and fairness.
- (g) The EIL be directed — (i) to consider the application of the Complainant and ensure fair treatment as a qualified PwBD candidate as Management Trainee position under relaxed criteria; (ii) to fulfill the 1-1-1-1% reservation requirement to ensure equitable representation of all PwBD categories; and (iii) to take affirmative action to recruit PwBD candidates for

jobs until the 4% reservation target is met, particularly categories such as Deaf and Hard of Hearing (1%) and Multiple disabilities (1%).

8.3 The representative from BPCL reiterated their reply that they had visited the IIT Roper campus to recruit students from the Mechanical, Chemical, Civil, and Electrical Engineering streams only and not for Computer Science graduates. In a reply to a question by this Court, the representative said that PwDs constitute 3% of their workforce as of now.

8.4 The representative from the EIL submitted that they invited applications from all the chosen colleges based on their requirements. The candidates are shortlisted based on their ranking followed by an interview. Whoever is performing well in the interview as per procedure, that candidate is selected. In this particular discipline Computer Science and Engineering, the cut-off of the candidates who have been called was much higher than the Marks secured by the Complainant, Mr Vinit. So, he was not called for the interview as his marks were around 70%. The selected candidates had qualified the cut-off of over 83%.

8.5 The representative from C-DoT submitted that they go to the campuses based on the project requirements and selections are made accordingly. There was no requirement at that time where the Complainant could not fit into the specifications which were given to the HR department. So he could not be shortlisted. At present, there are about twenty-four (24) divyang candidates working in their organization and all are working on a contract basis; the maximum period of contract is five (05) years.

9. Observations & Recommendations:

9.1 Upon hearing the parties and perusing the records of the case, it was observed that all the respondents have prima facie failed to comply with Section 34 of the RPwD Act, which provides for 4% reservation for PwBD in appointment, of which 1% is reserved for persons with hearing impairment. By their own admission, the respondents have accepted having approximately 3% PwBDs in their workforce, without commenting on the representation of the hearing impaired persons.

9.2 Notwithstanding, the Complainant has failed to establish his case of discrimination and denial of his rights as no candidate including any persons with disabilities, who scored lesser marks than him, was selected for the appointment.

As such, this Court is not inclined to intervene in the individual matter of the Complainant.

9.3 However, respondent numbers 1 and 2 are recommended to submit their version on the issues of implementation of Section 34 of the RPwD Act, 2016 in their establishment and submit their action plan within three months ensuring that the unfilled vacancies are filled up within six (06) months from the date of issue of this Order.

9.4 In terms of Section 76 of the Act, the respondents are directed to submit the Compliance Report of this Order within 3 months from the date of this Order. In case the Respondent fails to submit the Compliance Report within 3 months from the date of the Order, it shall be presumed that the Respondent has not complied with the Order and the issue will be reported to the Parliament in accordance with Section 78 of Rights of Persons with Disabilities Act, 2016.

9.5 The case is accordingly disposed of.

(Rajesh Aggarwal)
Chief Commissioner
for Persons with Disabilities