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. 14650/1024/2023

In the matter of —

Shri Jitendra Singh Chauhan

... Complainant

Versus

The Secretary
Department of Posts

... Respondent

1. Gist of the Complaint:

1 . 1 Shri Jitender Singh Chauhan, a person with 90% locomotor disability, filed a complaint dated 30.10.2023 concerning the provision of social security.

1 . 2 The Complainant stated that while conducting the AAO LDCE-2018 examination held on 05.07.2018 to 08.07.2018 for around 1080 posts, the Postal Accounts Wing of the Department of Posts, New Delhi, failed to implement

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the provisions of the Rights of Persons with Disabilities Act, 2016. He informed that only SC/ST provisions were considered, resulting in the denial of equal opportunity and non-implementation of the mandated disability reservation in the examination.

1.3 The Complainant alleged language-based discrimination during an open book examination where he, despite opting for Hindi, was not allowed to use Hindi language books—unlike English-medium candidates. Despite raising the issue with the Finance Advisor on 14.05.2018, he noted that only English books from "M/s Swamy Publications" were permitted, with no Hindi alternatives designated. He also highlighted a delayed RTI response, which was received 51 days later on 13.07.2018 after the exam had already been conducted. Furthermore, he mentioned his removal from the officiating post of Assistant Accounts Officer at the Controller of Communication Accounts Office, Bhopal, despite serving efficiently.

1.4 The Complainant asserted that the Postal Accounts Wing failed to uphold social security provisions for persons with disabilities as per the RPwD Act 2016, RPwD Rules 2017, and violated the DoPT's OM 2014 guidelines. The department allegedly admitted to having no separate provisions for PwD employees in the exam. Citing denial of equal opportunity, the Complainant requested for recognition of his exam performance and appointment as a substitute Assistant Accounts Officer.

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2. Notice to file comments:

2.1 Notice to file comments was issued to the Respondents on 24.11.2023. Subsequently, a final Reminder was issued to the Respondents on 26.12.2023.

3. Submissions made by the Respondent:

3.1 The Director (PA-Admin), Department of Posts, vide letter dated 28.12.2023, submitted that, as per DoPT's Office Memorandum dated 15.01.2018, there was no provision for reservation in promotions to Group 'B' posts for PwBD candidates. Consequently, the AAO LDCE-2018 notification dated 19.04.2018 did not include any reservation for PwBD candidates for promotion to the AAO grade. The qualifying marks were set at 30% for SC/ST candidates and 40% for General category candidates. The Complainant secured the following marks: Paper I – 18, Paper II – 29, Paper III – 14, Paper IV – 29.5, Paper V – 40, and Paper VI – 57, and therefore, he failed to qualify in four out of the six papers.

3.2 The Respondent further stated that the Complainant had raised the issue of language-based discrimination with the President's Secretariat. It was confirmed by the SNOs that Hindi books were not prohibited in the examination hall and that all books specified in the AAO LDCE 2018 exam notification were permitted during the exam.

3.3 Regarding the reversion from the officiating AAO grade to Senior Accountant, it was submitted that before the announcement of the AAO LDCE-2018 results, all Senior Accountants officiating as AAOs across India were reverted to their parent posts. Therefore, the Complainant's request for

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promotion to the AAO cadre cannot be accepted.

4. Submissions made in the Rejoinder:

4.1 The Complainant submitted his response via email on 08.01.2024, reiterating the contents of his original complaint.

5. Hearing (I):

5.1 A hearing in hybrid mode (online/offline) was conducted on 04.02.2025. The following parties/representatives were present during the hearing:

Sl.No.	Name of the parties/Representatives	For Complainant/ Respondent	Mode of Attendance
1.	Sh. Jitendra Singh Chauhan	Complainant	Online
2.	Sh. Joseph, Department of Posts	For Respondent	Online

6. Observations & Recommendations:

6.1 At the outset, the Complainant narrated his grievance regarding the departmental examination conducted in 2018, which permitted candidates to choose either Hindi or English as the medium. He opted for Hindi, but the exam was open-book and restricted to materials from Swami Prakashan Publication (English version), and the Complainant was not allowed to use Hindi books with the same subject.

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6.2 Despite seeking alternative options, he received no response. He purchased books from Upkar Publication but was barred from using them, being warned that it would be treated as cheating. Consequently, he wrote the exam without any reference material and failed to qualify. He also referred to the DoPT's order dated 07.01.2015, implementing 3% reservation for persons with disabilities based on a Supreme Court ruling, which he claimed the department ignored. The exam results were announced on 24.11.2023, and on 28.12.2023, the department stated that no reservation provisions had been made. Supporting the statement, the department asserted that the 2018 exam was conducted properly, with many candidates qualifying. Also, the nodal officers were appointed at the state and circle levels, and the use of Hindi as an exam medium was not prohibited.

6.3 Regarding reservations, they noted that DoP&T guidelines in 2018 did not mandate reservations in promotions. Furthermore, the benefit of reservation in promotions from Group C to Group B was introduced by DoP&T through an O.M. dated 17.05.2022, which was implemented prospectively. Subsequently, DoP&T vide another O.M. on 28.12.2023, stating that notional promotion would be granted to candidates with disabilities effective from 30.06.2016. They also noted that the syllabus covered bilingual legislative documents such as the RTI Act and pension rules. While Swami Publication books were not available in Hindi, official gazette notifications and departmental financial manuals could be accessed in both languages on the department's website.

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6.4 The Court observed that no evidence of discrimination or violation concerning PwD. The Court further noted that the Complainant should have approached the department with his problem before the examination.

6.5 Upon consideration of the submissions made by the parties during the hearing, this Court finds that no further intervention is warranted in the matter. It is concluded that there is no violation of any right affecting an individual as a person with disability (PWD). Accordingly, the case is hereby disposed of.

06/06/2025

(S. Govindaraj)
Commissioner for Persons with Disabilities

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