



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 &amp; Empowerment

भारत सरकार/Government of India

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**CASE NO. 13973/1014/2023****IN THE MATTER OF:**

MANOJ KUMAR PRAJAPAT

**...COMPLAINANT****Versus**THE CHAIRMAN,  
RAILWAY RECRUITMENT BOARD,  
MUMBAI**...RESPONDENT NO. 1**THE CHAIRMAN,  
RAILWAY RECRUITMENT BOARD,  
GORAKHPUR**...RESPONDENT NO. 2****1. GIST OF THE COMPLAINT:**

1.1. Shri Manoj Kumar Prajapat, a person with 100% visual impairment, filed a complaint dated 28.09.2022 alleging physical and mental harassment, including slapping and a demand for a bribe of ₹15,000–20,000 by a guard/officer at the examination centre, Karma Devi Smriti Mahavidyalaya, Basti (Uttar Pradesh).

1.2. The Complainant had appeared for the written examination under CEN

RRC 01/2019 (Level-1) conducted by RRB Mumbai, during the second shift on 22.09.2022, at the aforementioned examination centre. Upon arrival and after making enquiries, his entry was permitted through the main gate. Following the completion of exam-related formalities and verification of documents, a guard/officer allegedly took him to a separate area and demanded a bribe of ₹15,000–20,000. The guard/officer warned him that failure to comply would result in both him and his scribe being barred from taking the examination.

1.3. The Complainant stated that he expressed his inability to pay the bribe, citing his poor financial background. Following this, the guard/officer reportedly began to verbally abuse and torture him. When the Complainant objected, he was allegedly humiliated, slapped, and forcibly removed from the examination centre. The Complainant further mentioned that the qualification of his scribe was one level below the prescribed criteria. When he asserted that he would take legal action, the officials reportedly responded that their centre follows its own rules and that an “Andha Admi” (blind person) has no right to seek a job.

## **2. NOTICE ISSUED TO THE RESPONDENTS:**

2.1. A notice dated 19.04.2023 was issued by this Court under Sections 75 and 77 of the Rights of Persons with Disabilities Act, 2016 (hereinafter referred to as “the RPWD Act”), directing the Respondents to furnish their comments on the complaint and place on record supporting documents and justifications, if any.

## **3. REPLY FILED BY THE RESPONDENTS:**

3.1. The Assistant Secretary, Railway Recruitment Board, Mumbai, filed an interim reply dated 28.04.2023 on behalf of Respondent No. 1 and submitted that the Complainant had scored 7.67372% normalised marks in CBT, the Percentile score (RRC) is 23.1442. Out of 100 Questions, 03 were ignored, 65 were attempted, 20 were answered correctly, and 42 were answered incorrectly.

3.2. Regarding the demand of ₹15000-20000/- by the Guard/Officer to appear in the written exam at the Examination Centre on 22.09.2022, it was submitted that further investigation of the case is being forwarded to the RRB Gorakhpur under who's jurisdiction the examination centre - Karma Devi Samiti Mahavidyalaya, Basti (Exam Centre Code No. 26445) exists. The RRB Mumbai also submitted that further correspondence in this matter be done with RRB Gorakhpur.

3.3. No reply has been received from Respondent No. 2 (RRB Gorakhpur) despite issuance of final notice dated 20.06.2023.

#### **4. REJOINDER FILED BY THE COMPLAINANT:**

4.1. No rejoinder has been filed by the Complainant.

#### **5. HEARING (I):**

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

<b>Sl. No.</b>	<b>Name &amp; Designation of the Parties/Representatives</b>	<b>For Complainant/Respondent</b>	<b>Mode of Presence</b>
1.	Mr. Manoj Kumar Prajapat – Complainant	Complainant	Not Appeared
2.	Mr. Vikas Chauhan, Member Secretary, RRB Mumbai	Respondent No. 1	Online
3.	Mr. Awadhesh Kumar, Chairman, RRB Gorakhpur	Respondent No. 2	Online

#### **6. RECORD OF PROCEEDINGS:**

6.1 The Complainant joined the hearing via phone call instead of using the video conferencing link sent to him. The Respondents joined through video

conferencing. As the Complainant did not join through the designated video link and his identity could not be verified, the matter was rescheduled for a hearing on 06.02.2025. The Complainant was directed to either appear in person or join the next hearing via the provided web link.

## **7. HEARING (II):**

7.1 A hearing was conducted on 06.02.2025 in hybrid mode (offline/online through Video Conferencing). The following parties/representatives were present during the hearing.

<b>Sl. No.</b>	<b>Name &amp; Designation of the Parties/Representatives</b>	<b>For Complainant/Respondent</b>	<b>Mode of Presence</b>
1.	Mr. Manoj Kumar Prajapat – Complainant	Complainant	Online
2.	Mr. Vikas Chauhan, Member Secretary, RRB Mumbai	Respondent No. 1	Online
3.	Mr. Awadhesh Kumar, Chairman, RRB Gorakhpur	Respondent No. 2	Online

## **8. RECORD OF PROCEEDINGS:**

8.1 Mr. Awadhesh Kumar, representing Respondent No. 2, briefly stated that he took charge of RRB, Gorakhpur, on 16.12.2024 and was not previously aware of the case. Accordingly, he submitted that a detailed reply would be filed. He further stated that the candidate was allowed to appear in the examination with a scribe, and the video recording does not show anything supporting the Complainant's allegations.

8.2 The Court inquired why no response had been filed by Respondent No. 2 for two years since the issuance of notice. Mr. Kumar replied that he was unable to locate any records pertaining to the case at the RRB office after his joining.

8.3 Mr. Chauhan, representing Respondent No. 1, stated that since the examination was conducted in Gorakhpur, all relevant information is with RRB, Gorakhpur. He further submitted that RRB, Mumbai, had also written to RRB, Gorakhpur, requesting the necessary details. Upon being asked by the Court to provide further information, Mr. Chauhan stated that the examination footage

shows the candidate arriving at the exam centre with a scribe. However, it appears from the video that the Complainant's scribe was writing the exam instead of merely assisting him, which was brought to the attention of the concerned authorities. He added that although the officials attempted to persuade the Complainant to stop, he did not comply.

8.4 The Complainant briefly reiterated the grievances mentioned in his complaint and alleged that his scribe was mistreated during the examination. The Court then asked why no police complaint had been filed in this regard. The Complainant responded that he was very disappointed and therefore did not file a report.

8.5 Having heard the Complainant's allegations, the Court granted Respondent No. 2 a final opportunity to submit all available evidence pertaining to the case. The Court further directed RRB, Gorakhpur, to file a response within one week, along with details of any inquiry conducted on the complaint thus far, specifically addressing the Complainant's grievance.

8.6 The Complainant and Respondent No. 1 were also given liberty to file their comments in response to the reply to be filed by Respondent No. 2. Such responses had to be submitted to the Court within one week thereafter.

## **9. HEARING (III):**

9.1 A hearing was conducted on 28.02.2025 in hybrid mode (offline/online through Video Conferencing). The following parties/representatives were present during the hearing:

<b>Sl. No.</b>	<b>Name &amp; Designation of the Parties/Representatives</b>	<b>For Complainant/Respondent</b>	<b>Mode of Presence</b>
1.	Mr. Manoj Kumar Prajapat – Complainant	Complainant	Online
2.	Mr. Vikas Chauhan, Member Secretary, RRB Mumbai	Respondent No. 1	Online
3.	Mr. Awadhesh Kumar, Chairman, RRB Gorakhpur	Respondent No. 2	Online

## **10. RECORD OF PROCEEDINGS:**

10.1 The Court recalled that during the previous hearing, the Complainant had not submitted any evidence regarding the alleged harassment or demand for a bribe at the examination centre. He was accordingly directed to provide such evidence; however, no submission has been received to date. Respondent No. 2 was also granted an opportunity to file a written submission, which was received on 13.02.2025.

10.2 The Court asked the Complainant if he had any evidence to substantiate his allegations. The Complainant stated that he did not possess any such evidence. He further submitted that the Respondents had wrongly claimed he was allowed to sit with his chosen scribe, whereas in reality, he was not. His scribe was turned away at the gate of the examination centre, and a new scribe was assigned to him who was unable to read the questions.

10.3 The Complainant further stated that the allegation that his scribe was writing the exam instead of merely assisting him was false. He argued that the assigned scribe was not even capable of reading the question paper, let alone solving it independently.

10.4 The Court asked Respondent No. 1 if they wished to submit anything regarding the report filed by Respondent No. 2 on 13.02.2025 and whether they had reviewed the video footage. Respondent No. 1 submitted that the report filed by Respondent No. 2 was accurate and that they endorsed and accepted it.

## **11. OBSERVATIONS AND RECOMMENDATIONS :**

11.1. The Court notes that the Complainant has not provided any evidence to substantiate his complaint, relying solely on his personal statements. Respondent No. 2's report, which includes an internal inquiry conducted at the request of this Court, along with accompanying video evidence, has been acknowledged and endorsed by RRB, Mumbai. Given the absence of corroborating evidence from the Complainant, the Court finds no basis to support the allegations. However, this does not necessarily imply the complaint is false. It is acknowledged that the Complainant, being a candidate, might not have anticipated such a situation or had the opportunity to collect evidence at the time.

11.2. Upon consideration of both sides, the Court finds the likelihood of the alleged incidents occurring to be remote. It is difficult to ascertain the full truth or decide conclusively in the absence of reliable evidence. Therefore, the Court

recommends that both parties exercise greater preparedness and awareness in handling unforeseen situations in the future.

11.3. The Court concludes that the case does not merit further hearings. It is further observed that examination organisers must act with humanitarian consideration and vigilance, anticipating potential challenges, especially in the case of Persons with Disabilities (PWD). They should be adequately prepared, with systems in place to record any untoward incidents. If a situation escalates beyond control, it should be formally reported to the nearest police station. Similarly, PWD candidates should also maintain a record or evidence if any issue arises, and promptly report it to the examination centre supervisor or relevant staff.

11.4. Accordingly, the case stands disposed of.

**(S. Govindraj)**

**Commissioner for Persons with Disabilities**