



Email: ccpd@nic.in; Website: www.ccdisabilities.nic.in

Sl. No.	Name and Designation of the Party/ Representative	For Complainant/ Respondent	Mode of Attendance
1	Shri Kodakkal Shivaprasad – Complainant	Complainant	Online
2	Shri Vikram Shrivastava – Affected Candidate	Complainant	Online

- 3 **Advocate Raj Kumar Makkad** – Appeared on behalf of Online
 Appeared on behalf of both Shri both Complainant and
 Shivaprasad and Shri Shri Shrivastava
 Shrivastava
- 4 **Mr. Mitra** Respondent Online
 General Manager, CRPD, SBI
 and Mr. Subhash, Law Officer,
 SBI

2. Record of Proceedings

2.1 The Counsel for the Complainant contended SBI did not include a disability expert in the interview panel, which violates the RPwD Act. This, according to the Complainant, resulted in discrimination against the aggrieved person.

2.2 The Complainant questioned the rationale of fixing a qualifying cut-off higher than the marks awarded to the sole visually impaired candidate who participated in the interview. He cited the judgment of the Supreme Court in the case of *Mohammed Ibrahim v. Chairman, SBI*, 2023 INSC 914, because reasonable accommodation should be provided to candidates with disabilities in the recruitment process. He said that Mr. Srivastava has 6 years and 3 months of experience in Canara Bank, which the interview board disregarded. He argued that Mr. Srivastava had also applied in the 2023 cycle. Yet again, despite the existence of 7 vacancies for blind and low vision candidates, Mr. Srivastava was not selected. This approach would result in the vacancy ultimately lapsing and going to an able-bodied candidate.

2.3 Per contra, the Respondent emphasised that Shri Vikram Shrivastava secured 15 marks in the interview, while the minimum qualifying marks for PwD candidates were fixed at 17.5 out of 50. He could not be selected as he failed to meet the relaxed cut-off. As a result, the vacancy was carried forward as per standard recruitment policy, and there was no deviation from procedure or

discrimination. It was submitted that the same relaxed cut-off of 17.5 was applied uniformly across SC, ST, OBC, and PwD candidates in compliance with DoPT guidelines. The bank contended that further relaxation beyond the prescribed limit would violate the principle of administrative efficiency and uniform standards.

2.4 In rejoinder, the Complainant's counsel stated that the advertisement had nowhere fixed the minimum qualifying marks for blind and low-vision candidates as 17.5. The Respondent subsequently introduced this requirement, thereby changing the rules of the game after the game had begun.

2.5 In response, counsel for the SBI adverted to pages 2 and 3 of the advertisement as per which the SBI is given to fix the minimum qualifying marks.

2.6. This Court finds that the Complainant is asking for a relaxation in the minimum qualifying marks to accommodate Mr. Srivastava.

2.7 This Court is of the prima facie view that accepting such a plea would necessitate a corresponding relaxation in cut-off marks for SC/ST candidates as well, in line with the DoPT OM of 15.01.2018, bearing the number 36035/02/2017-Estt (Res), Clause 11.2 of which prescribes a uniform cut-off mark for SC/ST and PwBD candidates.

2.8 It is true that the advertisement does not fix the minimum qualifying marks of 17.5. However, they do give the SBI the liberty to fix minimum qualifying marks.

2.9 The Court wanted to give an opportunity to both parties to file their respective written submissions within 10 days from the date of receipt of this record of proceedings, outlining:

[a] Their understanding of the legal and factual position; and

[b] What settlement can be worked out in this case?

3. This is issued with the approval of the Commissioner for Persons with Disabilities.

(P. P. Ambashta)
Dy. Chief Commissioner