COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)
Department of Empowerment of Persons with Disabilities (Divyangjan)
Ministry of Social Justice and Empowerment
Government of India

Case No. CCPD/15881/1011/24 **Dated:** 06/03/2025

Case No: 15881/1011/24
In the matter of—

Rishabh Agrawal

Email: rishabhagrawal200@gmail.com
...Complainant

Versus

The Executive Director,

Reserve Bank of India

E-Mail: edscm@rbi.org.in
...Respondent

Hearing (I):

The hearing was conducted on 13.02.2025 through hybrid mode. The following parties/representatives were present during the hearing:

Sl. No.	Name of the parties /Representatives	Parties	Mode
1.	Rishabh Agrawal	Complainant	Online
2.	M. Udai Krishna, AGM, HRMD, RBI, Mumbai	For Respondent	Online
3.	Sandeep V, AGM, HRMD, RBI, Mumbai	For Respondent	Online
4.	Joseph Raj, Legal Advisor, Central Office, RBI, Mumbai	For Respondent	Online

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5.	Honey Khosla, Assistant Legal Adviser, Central Office, RBI, Mumbai	For Respondent	Online

RECORD OF PROCEEDINGS

1. The Complainant submitted that he was selected as RBI Grade B officer for the year 2023. Other candidates have joined their duties on 03.04.2024. After 8 months, the final cancellation letter of his candidature was received from RBI on November 8, 2024.

2. The Complainant further submitted that Para 11 of the affidavit dated 12.12.2024 filed by the respondent which states that in 2018, Muscular Dystrophy was identified by the Respondent for the post Grade B officer. Para 12 states that in 2012 Respondent recruited a candidate suffering from Muscular dystrophy for the post of Grade B officer.

3. The Respondent submitted that the notification was released on 09.05.2023 for the Grade B (DR) position at RBI. The Respondent referred to page 4 of the notification, where only three types of disabilities, namely OA, BA, and BLA, are mentioned. The Complainant is a person with Muscular Dystrophy (MD), applied for the post of Grade B under the PwBD category, but his disability was not considered suitable for the position according to RBI's recruitment guidelines. He also referred to Note 3 from the Gist of Recommendation of the Expert Committee notified vide DEPwD Notification dated 04.01.2021, which provides that If a post is already held by a person with benchmark disability, it shall be deemed to have been identified for that category of benchmark disability.

4. The Respondent submitted that the candidature of the Complainant was accepted provisionally subject to medical examination. Bank medical officer certifies that Complainant is not suffering from BLA and is suffering from Muscular Dystrophy, the matter was referred to the Neurosurgeon of the government medical board, also certifies the same.

5. The Respondent further submitted that the Complainant had previously applied for the post of Grade B in 2022 under the Muscular Dystrophy category, but for the post of Grade B in 2023, he applied under the BLA category, by willfully suppressing the facts.

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6. The Court observed that the certificate obtained by the Complainant in the year 2021 certifies 85% permanent Locomotor disability and the diagnosis in his certificate is mentioned as Quadriparesis due to Myopathy. The norms and rules expressed by the Respondent suit the Complainant except the word Muscular Dystrophy.

7. This court needs to understand from the Respondent the reasons for rejecting the Complainant's candidature particularly as to how his disability makes him unsuitable for the post. The rejection should not depend on a particular dictum or the term "Muscular dystrophy" alone. The suitability of the post is required to be seen both from the notification of the DEPwD cited by the Complainant as well as the functional requirements of the post. The fact that the Complainant is already serving as a Scale III officer in the SBI, should also be considered.

8. The Court sought from the Respondent a report within two weeks duly analyzing the issues under which the Complainant's candidature was cancelled.

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

Yours faithfully,

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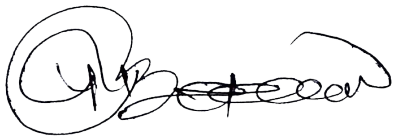

(Praveen Prakash Ambashta)
Dy. Chief Commissioner

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