



न्यायालय मुख्य आयुक्त

COURT OF 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 and Empowerment

भारत सरकार/ Government of India

Case No. CCPD/15881/1011/24

Dated: 07/08/2025

**CASE NO. 15881/1011/24**

**In The Matter Of:**

Rishabh Agrawal

**... Complainant**

**Versus**

The Executive Director,

Reserve Bank Of India

**... Respondent**

**1. Gist of The Complaint:**

1.1 Shri Rishabh Agrawal, a person with 85% Locomotor Disability [BLA - Quadriparesis due to Myopathy affecting all four limbs], filed a complaint dated 12.11.2024 regarding denial of appointment despite selection under PwBD category to the post of Officer in Grade-B (DR) General – PY 2023.

1.2 The Complainant submitted that he is currently working as a Manager (Scale-III) in the State Bank of India and has five years of experience. He secured an All India Rank of 13 and scored 63/75 marks in the interview. While all other selected candidates received appointment letters in March 2024, he was denied appointment on the following grounds:

(a) The Complainant's disability is recorded as BLA; however, during the pre-recruitment medical examination, his disability was categorized as Muscular Dystrophy (MDy).

(b) The recruitment advertisement stated that “Muscular Dystrophy” was not identified as suitable for the said post reserved for Persons with Benchmark Disabilities (PwBD).

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1.3 The Complainant contended that the application form did not provide a specific option for Muscular Dystrophy or Myopathy. He stated that BLA accurately reflects his functional limitations, as both conditions result in similar physical impairments. His disability certificate confirms the involvement of all four limbs, which aligns with the definition of BLA. He further claimed that the RBI's rejection contradicts its own Advertisement No. 3A/2023-24, which explicitly includes Muscular Dystrophy as suitable under several sections.

1.4 The Complainant further submitted that the legal framework supports his case, citing the following:

(a) As per Note-3 of the Notification dated 04.01.2021: *"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."*

(b) As per Note-5 of the same Notification: *"If a post has identical nature and place of job with respect to any identified post, it should be construed as identified even if it has a different nomenclature."* The Complainant is currently employed as a Scale-III officer (Manager) in SBI—a role he asserts is identical in function to the Officer in Grade B (Manager) post in RBI. He also claimed that an individual with Muscular Dystrophy is currently serving in this role at RBI.

(c) Point (a) of the Terms of Reference of the Expert Committee under the same Notification states: *"To look into the suitability of various posts for certain categories of disabilities WHICH WERE EARLIER NOT IDENTIFIED SUITABLE, taking into consideration the development in technology."* He contended that the intent of this Notification was inclusive, not exclusionary.

(d) Section 20 of the Rights of Persons with Disabilities Act, 2016 mandates non-discrimination in employment, and Section 3 mandates equality and non-discrimination.

1.5 The Complainant prayed for the following reliefs:

(a) That the cancellation of his candidature be revoked;

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(b) That appropriate directions be issued for his appointment as Officer in Grade 'B'; and

(c) That compensation be awarded for the mental harassment and career setbacks suffered, including loss of seniority, delayed promotion, reduced pay scale and increments, work experience impact, and loss of opportunity for home posting.

**2. Notice Issued To The Respondent:**

2.1 A notice dated 13.11.2024 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 Respondent to furnish their comments on the complaint and place on record supporting documents and justifications, if any.

**3. REPLY FILED BY THE RESPONDENT:**

**3.1** The Respondent filed its reply on affidavit dated 12.12.2024 and inter alia submitted that —

(a) The RBI had published the advertisement No. 3A/2023-24 dated 09.05.2023 on its website for recruitment to the post of Officers in Grade-B (DR) General – PY 2034 under which the Complainant was recommended. The Complainant had applied under the BLA category.

(b) During the pre-recruitment medical examination for the aforementioned post, conducted at the Ahmedabad Regional Office (ARO) of RBI, the Bank's Medical Consultant (BMC) at ARO opined that the Complainant is suffering from **Muscular Dystrophy**. A second opinion was also obtained from a medical board comprising a neurologist at a Government Hospital, which confirmed the diagnosis of Muscular Dystrophy.

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(c) In the advertisement, the candidates with Muscular Dystrophy (MDy) were not eligible to apply for the post. Paragraph 1 of the advertisement explicitly required candidates to ensure that they met the eligibility criteria.

(d) In **Annexure 'C'** of the Notification dated 04.01.2021, at Sr. No. 260 [Page 1292] under the head "11. Banking", the Department of Empowerment of Persons with Disabilities (DEPwD) identified the suitable categories of benchmark disabilities and functional requirements for the post of Officers in Grade 'B'. Under the column "*Suitable Category of Benchmark Disabilities*" for the Grade 'B' post, '**Muscular Dystrophy (MDy)**' is **not listed**. Therefore, this category was **not included** in the recruitment notification issued by the Bank.

3.2 The Respondent submitted that the Complainant is suffering from **Muscular Dystrophy**, which is a **slowly progressive** condition, and as such, he is **not eligible** to claim PwBD relaxation for the Grade 'B' post in the Bank.

S. No.	Name of the Post	Suitable Category of Benchmark Disability	Functional Requirements
1.	Officer in Gr 'B' General/DEPR/DSIM	(a) B, LV (b) HH (c) OA, BA, OL, BL, OAL, BLA, BLOA, CP, LC, Dw, AAV, SD/SI (d) ASD(M), MI (e) MD involving (a) to (d)	S, W, MF, RW, SE, C

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3.3 The Respondent further submitted that the Bank's earlier internal policy was a temporary arrangement until DEPwD issued final instructions identifying suitable categories of benchmark disabilities. Hence, the Complainant's reliance on the argument 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 is **not tenable** in the present case.

3.4 The Respondent further clarified that although the Complainant applied under the **BLA category**, it was later determined through medical examination that he is actually suffering from **Muscular Dystrophy (MDy)**, a disability not identified as suitable for the Grade-B post. Accordingly, the Complainant was found **not suitable** for the position, and his candidature was **cancelled** vide letter dated 08.11.2024.

#### **4. Rejoinder Filed by The Complainant:**

4.1 The Complainant filed his rejoinder dated 26.12.2024, wherein he reiterated the submissions made in his original complaint. He further contended that the Respondent has misinterpreted the DEPwD's Notification dated 04.01.2021 in a manner that unjustly excludes candidates with **Muscular Dystrophy** from eligibility for Grade B positions.

4.2 The Complainant emphasised that the primary objective of the said Notification was to expand the list of posts identified as suitable for persons with benchmark disabilities, particularly in light of technological advancements and evolving workplace practices, and not to restrict or exclude disabilities that had already been recognised under earlier frameworks.

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

5.1 A hearing was conducted on 13.02.2025 in hybrid mode (Offline/Online through Video Conferencing). The following parties/representatives were present during the hearing:

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2.	M. Udai Krishna, AGM, HRMD, RBI, Mumbai	Respondent	Online
3.	Mr Sandeep V, AGM, HRMD, RBI, Mumbai	Respondent	Online
4.	Mr Joseph Raj, Legal Advisor, Central Office, RBI, Mumbai	Respondent	Online
5.	Mr Honey Khosla, Assistant Legal Advisor, Central Office, RBI, Mumbai	Respondent	Online

**6. Record of Proceedings:**

6.1 The Complainant submitted that he was selected for the post of RBI Grade B Officer for the year 2023. While other selected candidates joined their duties on 03.04.2024, he received the final cancellation letter from the Respondent only on 08.11.2024, after 8 months.

6.2 The Complainant further submitted that Paragraph 11 of the affidavit dated 12.12.2024, filed by the Respondent, acknowledges that in 2018, Muscular Dystrophy was recognised by the Bank as a suitable disability for the post of Grade B Officer. Additionally, Paragraph 12 states that in 2012, the Respondent had recruited a candidate with Muscular Dystrophy for the same post.

6.3 The Respondent stated that the recruitment notification was released on 09.05.2023 for the Grade B (DR) position. It referred to Page 4 of the notification, which specifies only three types of disabilities—**OA, BA, and BLA**—as eligible. Since the Complainant has

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Muscular Dystrophy (MD), a condition not mentioned as suitable in the advertisement, his application under the PwBD category was considered ineligible in accordance with the recruitment guidelines. The Respondent also referred to Note 3 of the Gist of Recommendations of the Expert Committee notified by the DEPwD on 04.01.2021, which states:

*"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."*

6.4 The Respondent clarified that the Complainant's candidature had been provisionally accepted, subject to medical examination. The Bank's Medical Consultant certified that the Complainant does not have BLA but is suffering from Muscular Dystrophy. This opinion was further confirmed by a neurologist from a government medical board.

6.5 The Respondent submitted that the Complainant had previously applied for the Grade B post in 2022 under the Muscular Dystrophy category. However, in 2023, he applied under the BLA category, allegedly by willfully suppressing material facts regarding his actual medical condition.

6.6 The Court noted that the disability certificate issued to the Complainant in 2021 certifies 85% permanent locomotor disability, with the diagnosis stated as "*Quadriparesis due to Myopathy.*" The Court observed that the eligibility norms and functional requirements expressed by the Respondent appear to be met by the Complainant in all respects, except for the terminology—"Muscular Dystrophy."

6.7 The Court sought clarification from the Respondent as to why the Complainant's disability renders him unsuitable for the post, especially considering that the rejection seemed to be based solely on nomenclature. The Court emphasized that the suitability should be assessed in light of both the DEPwD Notification and the functional requirements of the post. The fact that the Complainant is already serving as a Scale-III Officer in the State Bank of India was also deemed relevant to this assessment.

6.8 Accordingly, the Court directed the Respondent to file a detailed report within two

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weeks, analysing the grounds on which the Complainant's candidature was cancelled.

**7. Action Taken Report Filed by The Respondent:**

7.1 The Respondent filed its Action Taken Report (ATR) dated 20.03.2025, reiterating that Muscular Dystrophy (MDy) was not included in the list of benchmark disabilities considered suitable for the post of Grade B Officer, as per the advertisement issued in line with the DEPwD/MSJE Notification dated 04.01.2021.

7.2 The DEPwD, as the designated expert body for identifying suitable posts for PwBD, distinguishes between BLA and Muscular Dystrophy, and has not identified MDy as suitable for the Grade B post. The Complainant, despite suffering from MDy, applied under the BLA category, which the Respondent considers a misrepresentation of facts.

7.3 The Respondent argued that adherence to the eligibility criteria specified in the advertisement is essential for fairness and transparency. Had MDy been listed as an eligible category, other candidates with Muscular Dystrophy might also have applied. Therefore, as the Complainant did not fulfil the eligibility criteria, the Bank was compelled to cancel his candidature.

7.4 However, in view of the observations made by the Court in its Order dated 06.03.2025, the Respondent submitted that, as a special case, the Bank would accept the Complainant's disability certificate and consider his candidature for the post of Grade B Officer, subject to his meeting all other terms and conditions of appointment.

**8. Hearing (II):**

8.1 A second hearing was conducted on 09.04.2025 in hybrid mode (Offline/Online through Video Conferencing). The following parties/representatives were present during the hearing:

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2.	M. Udai Krishna, AGM, HRMD, RBI, Mumbai	Respondent	Online
3.	Mr Pallav Yadav, Assistant Legal Advisor, Central Office, RBI, Mumbai	Respondent	Online

**9. Record of Proceedings:**

9.1 The Complainant informed the Court that he had not yet received a copy of the reply from the Respondent. However, he confirmed receipt of the appointment letter dated 28.03.2025, and stated that he would be joining the post on 02.06.2025, upon completion of a three-month notice period with his current employer.

9.2 The Complainant additionally requested that his deemed date of joining be considered as 03.04.2024—the date on which other candidates from his batch joined. He submitted that this adjustment was essential to ensure parity in seniority and promotional opportunities with other appointees in the same batch.

9.3 The Respondent submitted that the offer letter has already been issued and accepted by the Complainant. It further informed the Court that, in light of the Complainant's specific needs and in consideration of potential hardships, he had been posted in his home city of Ahmedabad.

9.4 The Respondent also submitted that, following an internal policy review, Muscular Dystrophy (MDy) has now been officially recognized as a suitable category of disability for the Grade-B post in the Bank.

9.5 Regarding the Complainant's request for backdated joining and associated benefits

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such as increment and seniority, the Respondent stated that these matters would be examined in accordance with the Bank's internal policies, and therefore no definitive comment could be made at this stage.

**10. Observations and Recommendations:**

10.1 The Court appreciates the Respondent's efforts in taking positive and corrective steps toward issuing the appointment letter to the Complainant and acknowledges the thoughtful decision to post the Complainant in his home city, recognising the importance of such support in disability-inclusive employment.

10.2 With regard to the Complainant's request for protection of seniority and increment, the Court finds the Respondent's reply to be reasonable and in line with procedural propriety. The Court advises the Complainant to proceed with the offer of appointment, which he has already accepted. However, if any issue related to seniority, increment, or other service-related matters arises during the course of employment, the Complainant may approach the Court again for appropriate and lawful remedy, after first pursuing the matter through the Bank's internal grievance redressal mechanism.

10.3 In light of the above, the matter stands disposed of, subject to the liberty granted to the Complainant to seek redress in the future, if necessary.

**Yours faithfully,**

**(S. Govindaraj)**  
**Commissioner**

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