



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/15749/1011/24

Dated: 01/10/2025

Case No. CCPD/15749/1011/24

In the matter of:

Shri Anand Prakash

...Complainant

Versus

The Secretary,

Union Public Service Commission

...Respondent No. 1

The Secretary,

Department of Personnel & Training

...Respondent No. 2

1. Hearing: A hearing in hybrid mode (online/offline) was conducted on **02.09.2025**.
The following parties/representatives were present during the hearing:

| S. No. | Name and Designation of the Party/Representative | For Complainant/Respondent | Mode of Attendance |
|--------|--|----------------------------|--------------------|
| 1. | Anand Prakash - Complainant | Complainant | Offline |

5वीं मंजिल, एनआईएसडी भवन, प्लॉट न०. जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष: 011-20892364, 20892275
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(पया भविष्य में पत्राचार के लिए उपरोक्त फाईल/केस संख्या अवश्य लिखें)

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| | | | |
|----|---|------------------|---------|
| 2. | Raghvendra Upadhyay - Counsel for Complainant | Complainant | Offline |
| 3. | Awanish Kumar Mishra - Under Secretary, DOPT | Respondent No. 2 | Online |

2.1 Respondent No. 2 cited office reallocation to request eight weeks' time for both this and another case in a single email. The Court noted the case had been pending for over two years, whereas the office shift occurred only on 10 August 2024, and pointed out repeated non-responsiveness despite prior notices. Respondent No. 2 admitted delays due to record movement from the office shift but acknowledged filing one reply on 24 October 2024.

2.2 The Court allowed the Complainant to present his statement. The Complainant, with 50% hearing impairment, alleged denial of appointment under the PwBD-3 category in CSE 2023 despite meeting all requirements and clearing the re-medical exam conducted by R.R. Hospital, with results directly communicated to the authorities. Five PwBD-3 vacancies in CSE 2023 remained unfilled because all recommended candidates were declared medically unfit. The Complainant argued he was eligible and should have been included in the main or reserve list.

2.3 The Complainant's counsel cited the Supreme Court judgment in *Union of India v. Pankaj Kumar Shrivastava* (2024 INSC 471), which directed backlog PwD vacancies to be filled as a one-time measure. Respondent No. 2 confirmed exclusion of PwBD-3 candidates due to medical unfitness but did not address backlog vacancies or interchange under the RPwD Act, 2016. He stated the Complainant had limited service preferences and did not meet cutoffs for those services. Respondent No. 2 further argued that the *Pankaj Shrivastava* case differed, as it dealt with long-pending backlog vacancies from 1996 to the early 2000s, which were later adjusted, unlike the present matter.

2.4 In rejoinder, the Complainant reiterated reliance on the Supreme Court judgment and sought similar relief for inclusion in the CSE 2023 final or reserve list. He further argued that

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Respondent No. 1 selectively cited CAT/Delhi High Court judgments while omitting the directly relevant Supreme Court ruling, and contended that repeated carry-forward of PwBD-3 vacancies would cause systemic exclusion, necessitating future intervention as in Pankaj Shrivastava. He requested immediate relief.

2.5 The Court recorded UPSC's absence, while Respondent No. 1 maintained that unfilled vacancies were routinely carried forward, distinguishing the matter from the Shrivastava case. After hearing submissions, the Court directed that the Complainant's representation and documents be sent to UPSC and Respondent No. 2. Both were advised to file detailed affidavits within four weeks clarifying the status of implementation of Section 34 of the RPwD Act, the backlog reservation and the inter-se exchange of reservation among the sub-categories within PwBD.

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

Yours faithfully,

(Praveen Prakash Ambashta)
Dy. Chief Commissioner

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