



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 & Empowerment

भारत सरकार/Government of India

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Case No- CCPD/14471/1021/2023**Complainant**

Shri Tapas Manik

Respondent(s)

1. The Director General
Department of Posts
2. The Chief Postmaster
Office of the Chief Post Master

1. Gist of the Complaint

1.1 Mr Tapas Manik, a Postal Assistant of Baranazar, Head Post Office, Kolkata and a candidate with Benchmark Disability (PwBD), raised concerns regarding the evaluation of his answer sheets for promotion to the post of Assistant Accounts Officer (AAO) in the (IP & TAFS) Group 'B' after reviewing the evaluated answer sheets of AAO and Limited Departmental Competitive Examination (LDCE) 2022.

1.2 He alleges several errors in the evaluation of the answer sheets for Paper-IV, where he scored 29 marks—1 mark short of the qualifying threshold for PwBD candidates. He claims that re-evaluation would result in an additional 17 marks, making him eligible for promotion. (Annexure VIII)

1.3 He submits that the reservation policy was not honoured. Despite 16 reserved vacancies for PwBD candidates, none were selected. The complainant argues that as per government policy (DoPT OM dated 17.05.2022), PwBD candidates should be considered under relaxed standards if they fail to meet the prescribed criteria. (Annexure VI)

1.4 He highlights the lack of transparency due to insufficient and misleading responses to his RTI applications regarding qualifying marks and reservation policies for PwBD candidates. The complainant points out that unreserved category candidates with lower total marks were promoted, while he was excluded despite being a PwBD candidate. Therefore, he requests re-evaluation and reconsideration from the Chief Commissioner for Persons with Disabilities (CCPD) to intervene and ensure his candidature as a PwBD candidate for promotion to the post of Assistant. Accounts Officer (AAO) in (IP & TAFS) Group 'B'.

2. Notice issued to the Respondents:

2.1 In the light of the provisions contained in sections 3, 20, 21, 23 & 34 of the RPwD Act, 2016 (the Act), the matter was taken up and notices dated 13.09.2023 were issued to the respondents for forwarding to this Court their comments on affidavit on the complaint within the statutory time limit.

3. Submissions made by the Respondent:

3.1 The Director (PA-Admin) reply filed on 12.10.2023, submitted by the Department of Posts in response to a notice from the Chief Commissioner for Persons with Disabilities (CCPD), addresses the complaint filed by Shri Tapas Manik regarding the denial of promotion in the Limited Departmental Competitive Examination (LDCE) 2022. In this regard, the following comments were furnished-

(a) In accordance with an addendum to the examination notification dated 23.05.2022, reservation for PwBD was applicable for the vacancy year 2022. Specifically, 4% of the vacancies for 2022, amounting to 16 positions, were reserved for PwBD candidates, as per the OM dated 17.05.2022.

(b) The Department of Posts asserts that one PwBD candidate who met the qualifying marks outlined in the notification dated 15.02.2022 has been selected for appointment to the Assistant Accounts Officer (AAO) post through LDCE-2022.

(c) The respondent clarifies that revaluation of answer scripts is not permissible under any circumstances. This position is based on Rule 15 of Appendix-37 of the Postal Manual Volume-IV, which explicitly prohibits the revaluation of answer scripts.

(d) The Department brings to the CCPD's attention that approximately 75 candidates from the AAO LDCE-2022 have filed Original Applications (OAs) with the Central Administrative Tribunals.

4. Submissions made in Rejoinder:

4.1 The Notice for rejoinder has been issued to the complainant on 16.10.2023, but a rejoinder has not been received from the complainant.

5. Hearing:

5.1 A hearing in hybrid mode (offline/online) was conducted on **24.04.2025**. The following parties/ representatives were present during the hearing:

S.No.	Name and Designation of the Attendees	Complainant/Respondent	Mode of attendance
1.	Tapas Manik	Complainant	Online
2.	Joseph K. Matthew, Director, Postal Accounts Administration, Department of Post	Respondent	Online

6. Proceedings During the Hearing:

6.1 The Complainant submitted that he had appeared in the LDCE-2022, Department of Posts, for the post of Junior Secretariat Assistant (previously Lower Divisional Clerk) under the PwBD category and had qualified in five out of six papers. He could not pass the examination because he secured 29 marks in Paper IV, below the qualifying standard of 30 marks for reserved candidates. He contended that in his evaluated answer script for Paper IV, one mark awarded for Question No. 64 was not added to the total score. Due to a calculation error, he was unable to clear the LDCE in 2022 successfully. The Complainant clarified that he was not seeking re-evaluation of his answer scripts. Still, only the inclusion of one mark already awarded but omitted in the total calculation, which had resulted in his failure by a single mark.

6.2 The Complainant stated that he had brought this discrepancy to the notice of the competent authority through his representation dated 27.06.2023, addressed to the Senior DDG (PAF), but no corrective action was taken. He further pointed out that in similar circumstances, the marks of seven candidates were revised vide Office Memorandum dated 16.08.2024, whereas his marks were not revised. He also alleged that his answer to Question No. 74 in Paper IV was not evaluated and that no revised marks were communicated to him. Referring to the Office Memorandum dated 19.12.2024, under which marks of eighteen candidates were revised, the Complainant asserted that despite sixteen vacancies being reserved for PwBD candidates, none had been filled. He claimed that he was entitled to be declared qualified as the most deserving PwBD candidate.

6.3 The Court sought clarification regarding the notification and conduct of the examination, the date of result declaration, the basis of the claim regarding additional marks, and whether revisions had been carried out in respect of other candidates.

6.4 The Respondent explained that the examination was notified in February 2022, conducted in May 2022, and the results were declared in December 2022. It was stated that the PwBD reservation was not indicated in the original notification but was subsequently incorporated, following the DoPT OM dated May 2022, with 16 vacancies earmarked for PwBD candidates. The Respondent submitted that re-evaluation was not permissible under the rules and that the complainant's representation had been disposed of vide OM dated 16.08.2024, and that unfilled PwBD vacancies were carried forward.

6.5 The Respondent further stated that the LDCE was a promotional examination for a non-selection post, with successful candidates to be considered by the Departmental Promotion Committee. While relaxation in qualifying marks was extended to SC/ST candidates, no such relaxation was applied to PwBD candidates.

7. Observations & Recommendations:

7.1 The Court observed that such differential treatment discriminated among PwBD candidates based on vertical categories and reiterated that PwBD form a distinct horizontal category. Para 8.2 of the DoPT OM dated 17.05.2022 on reservation in promotion for PwBD categorically states that ***the same relaxed standard should be applied for all the PwBD candidates with benchmark disabilities, irrespective of whether they belong to the Unreserved/SC/ST/OBC category.***

7.2 Relying on judicial precedents and Section 34 of the RPwD Act, 2016, the Court held that statutory reservation for PwBD candidates could not be defeated by administrative omission. The Court recorded that the Department had failed to apply the required relaxation in cut-off marks for PwBD candidates despite unfilled reserved vacancies, in violation of DoPT OM dated 17.05.2022.

7.3 It was also observed that this failure had deprived the Complainant of promotion since 2022, although he was otherwise eligible. The Court concluded that, if the relaxed standard were applied, the Complainant would have qualified and accordingly recommended consideration of his case for notional promotion from the due date in 2022.

7.4 The Respondents are recommended to review their decision in light of the aforesaid statutory provisions and instructions of the Central Government and take remedial measures at the earliest.

7.5 In accordance with Section 76 of the RPwD Act, 2016, an Action Taken Report, shall be submitted within 90 days. It is reminded that in the case of non-acceptance of the above recommendation, the Respondents are bound to submit reasons for such non-acceptance, failing which they will be liable for penal

consequences as mentioned in sections 89 and 93 of the RPwD Act.

8. Accordingly, the case is disposed of.

(S. Govindaraj)
Commissioner for Persons with Disabiliti