



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/16322/1040/26

**Dated:** 05/01/2026

**Case No: 16322/1040/2026**

In the matter of—

Sh. Vishal Sharma

**...Complainant**

Versus

The Secretary,

CBSE, New Delhi

Email: [secy-cbse@nic.in](mailto:secy-cbse@nic.in)

**...Respondent No. 1**

The Commissioner,

Kendriya Vidyalaya Sangathan

Email: [commissioner@kvs.gov.in](mailto:commissioner@kvs.gov.in)

**...Respondent No. 2**

The Commissioner

Navodaya Vidyalaya Samiti

Email: [commissioner.nvs@gov.in](mailto:commissioner.nvs@gov.in)

**...Respondent No. 3**

5वीं मंजिल, एनआईएसडी भवन, प्लॉट नॉ. जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष: 011-20892364, 20892275

5th Floor, NISD Building, Plot No.G-2, Sector-10, Dwaraka, New Delhi-110075; Tele# 011-20892364,  
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### 1. Gist of the Complaint:

1.1 The complainant, a person with locomotor disability, has approached this Commission seeking facilitation/relief in respect of the examination/recruitment process being conducted for Navodaya Vidyalaya Samiti (NVS), and Kendriya Vidyalaya Sangathan (KVS), contending inter alia that—

(a) he has been allotted an examination centre for the entrance examination scheduled on **10.01.2026** for the post of Primary School Teacher (PRT) in the schools of Respondent No. 2 & 3. The examination Centre is substantially distant from his place of residence at/around Agra; and

(b) on account of the nature and severity of disability, travel to a far-off centre is stated to cause disproportionate hardship and may effectively deprive him of an equal opportunity to participate in the selection process.

1.2 The complainant has accordingly requested allotment of an accessible examination centre nearest to his residence (preferably at/around Agra), as a reasonable accommodation.

### 2. Notice:

2.1 A notice was issued to respondents on 30.12.2025 for a hearing on 05.01.2026 in Hybrid mode to determine the admissibility of the case and find out if this can be resolved without a quasi-judicial intervention of this Court.

### 3. Hearing and Record of Proceedings

3.1 A hearing in hybrid mode (online/offline) was conducted on 05.01.2026. The following parties/representatives were present during the hearing:

- (a) Sh. Vishal Sharma, Complainant
- (b) Sh. Vikas Arora, JS, CTET Unit, CBSE, Respondent No. 1
- (c) Sh. Saurabh Jaitly, Assistant Commissioner, KVS, Respondent No. 2

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### 4. Proceedings during the Hearing:

4.1 At the outset, the complainant, a 32-year-old person with 100% Cerebral Palsy, submitted that he has applied for recruitment as a Primary School Teacher in the Kendriya Vidyalaya Sangathan, for which the entrance examination has been scheduled on **10<sup>th</sup> January 2026**. He has been asked to appear at an examination centre in Kanpur, which makes it difficult for him to travel there.

4.2 The representative of the Respondent No. 2 submitted that there is no examination centre at Agra, so the Complainant had the option to appear in the examination at Lucknow or Kanpur.

4.3 On being asked as to why arrangements could not be made for him to appear in the examination at Agra. Respondent No. 2 submitted that there is no policy for considering such requests. He also submitted that there may be several similarly placed candidates; therefore, this issue should be decided through a comprehensive policy rather than treated as a special case. He requested the Court for suitable instructions that can be placed before the Competent Authority for their decisions and framing a policy to deal with such matters.

### 5. Observation:

5.1 The Court noted that this is a case of employment opportunity within the State. Article 16 of the Constitution makes it a fundamental right of all citizens to have equal opportunity in employment and appointment within the State. Hon'ble Supreme Court in Indira Sawhney had held that reservation for persons with disabilities is different from the reservation for backward classes under Article 16 (4). The Apex Court said that the PwD's reservations come under Article 16 (1), which essentially aims at equalisation of opportunities.

5.2 The Court further noted that the post in question, namely, Primary School Teacher, has been found suitable for persons with disabilities, including those with Cerebral Palsy (SI No. 1519, page No. 2393) of the MSJ & E Gazette Notification dated 04.01.2021. That being the case, the State is under an obligation to provide reasonable accommodation to enable the Complainant to appear in the

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examination, or in other words, to equalise his opportunity. The RPwD Act defines “reasonable accommodation” as **necessary and appropriate modification and adjustments, without imposing a disproportionate or undue burden in a particular case, to ensure the enjoyment/exercise of rights equally with others**. Further, the appropriate Government is obliged to take steps to provide reasonable accommodation. In addition, Rule 3 of the Rights of Persons with Disabilities Rules, 2017 obligates the head of establishment to act on complaints of disability-based discrimination, requires communication of proportionality/ legitimate aim where relied upon, and explicitly provides that **no establishment shall compel a person with disability to partly or fully pay the costs incurred for reasonable accommodation**.

5.3 In view of the above, while the Court agreed that there may be several similarly placed people, and thus, there is a need for framing a policy to in this regard, considering the importance and urgency involved in the case, it was not inclined to defer the matter for a long term solution through policy formulation making the present matter infructuous. The Court observed that many important policies are framed due to one symptomatic complaint. If the respondents agree that there is a legitimate grievance, they must ensure redressal of the same without waiting for a policy.

5.4 The issue raised by the Complainant here, is not a request for preference or charity; it concerns the **effective enjoyment of equal opportunity** in a recruitment-linked examination by a person with disability, consistent with the statutory guarantee of equality and non-discrimination under the RPwD Act. The obligation of reasonable accommodation is, by statutory design, **case-specific** (“in a particular case”) and must be assessed on the touchstone of disproportionate or undue burden. Merely stating that a system window has closed does not, by itself, answer the statutory question whether (i) accommodation is necessary to equalise opportunity in the given case, and (ii) whether the requested modification would impose a disproportionate or undue burden. In Rajive Raturi, the Supreme Court has underscored that the duty to provide reasonable accommodation is an **individualised duty** requiring a **case-by-case approach** and meaningful engagement with the person with disability; and it should be ensured that persons with disabilities are not required to bear accommodation costs.

### 6. Recommendations:

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6.1 The Court decided to register this complaint and issue fresh notice to the respondents for action taken report and a detailed written response.

6.2 **As an interim measure**, and having regard to the fact that the examination is scheduled on **10.01.2026**, and the potential for irreversible prejudice, the respondent authorities are **recommended/directed to consider and implement**, as a **one-time accommodation**, arrangement for conducting the examination of the Complainant at an **accessible venue nearest to the complainant's place of residence (preferably at/around Agra, Uttar Pradesh)**, or another **nearest feasible** accessible centre, so that the complainant may participate in the process on an equal footing. The premises of a school under Respondent Nos. 2 or 3 or an institution recognised by the Respondent No. 1 can be considered for this purpose. Respondent(s) shall also ensure that the centre so allotted is **functionally accessible** for a candidate with locomotor disability (including, as applicable, step-free access/ramps/lifts, accessible seating, accessible toilets, and necessary on-site facilitation), consistent with the concept of reasonable accommodation.

6.3 The respondents are recommended to submit their Action Taken Report along with their comments on the Complaint on an **affidavit** signed by an officer of an appropriate seniority not below the level of Group 'A' officer and to produce all the requisite documents upon which they base their Comments or Claim and where they rely on any other document as evidence in support of their comments or claim, they shall enter such documents in a list to be annexed to the Comments on Complaint along with action taken in compliance with statutory provisions as mentioned at paras 3 & 4 above, to this Court within **30 days** from the date of issue of this communication, failing which, the Complaint may be disposed of ex-parte. **While responding to this notice due care may be taken of relevant provisions of the Act, other statutory provisions, and government instructions such as the ones mentioned above.**

6.3 A copy of the reply of the respondents should also be served to the Complainant **via email and by post and the proof of service be submitted to this Court along with their Reply**. They may also provide additional inputs, relevant to the case, if desired. However, it is to be informed that in case any statutory provision, any judgment of a High Court or the Supreme Court, rules formulated under any statute, Office Memorandum, or bye-law is relied upon, they shall attach a copy of the same along with their comments on the Complaint. The Complainant may file his rejoinder, if

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any, to this Court within a further period of 15 days from the date of receipt of the reply of the respondent, with a copy to the Respondents.

7. 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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