



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/14708/1011/2023

In the matter of —

Complainant

Mr. Karanti Goyal

Versus

Respondent (s)

1. The Secretary,
D/o Personnel & Training, M/o PPG & Pensions
2. The Secretary, UPSC, New Delhi
3. The Secretary, Ministry of Ports, Shipping and Waterways
4. The DG, Directorate General of Shipping, East Mumbai

1. Gist of the Complaint:

1.1 Mr. Karanti Goyal, a person with 50% low vision disability, filed a complaint dated 15.12.2023 regarding the non-inclusion of Persons with Benchmark Disabilities (PwBDs), particularly those in the low vision category, in the eligibility criteria for the post of Assistant Director General of Shipping advertised by the Union Public Service Commission (UPSC).

1.2 The Complainant alleged that the online application portal rejected his application on grounds of unsuitability, which violates the provisions of the Rights of Persons with Disabilities (RPwD) Act, 2016, and related guidelines issued by the Department of Personnel and Training (DoPT), including the Office Memorandum dated 15.01.2018.

1.3 The Complainant sought directions to:

- (i) declare the advertised post suitable for PwBDs, including low vision

candidates, or provide a valid exemption certificate if excluded;

(ii) reserve at least one vacancy for such candidates;

(iii) stay the ongoing recruitment process until resolution; and

(iv) issue general instructions to all cadre controlling authorities for compliance with reservation policies, including mandatory mention of disability suitability in recruitment requisitions and action against non-compliant officials.

2. Notice issued to the Respondent(s):

2.1. In exercise of the powers conferred u/s 3, 21, 23, 33, 34, 75 & 77 of the Rights of Persons with Disabilities Act, 2016 [hereinafter referred to as "the Act"], a notice dated 20/12/2023 was issued to the above-mentioned respondents for forwarding to this Court comments on affidavit on the complaint within the statutory time limit.

3. Reply filed by the Respondent(s):

3.1 Respondent No. 4 (Directorate General of Shipping) vide reply dated 20.02.2024 submitted that the post was not initially identified for PwBDs due to functional requirements involving field inspections, surveys, and maritime safety oversight. However, following directions from this Court, they revised the reservation roster and ensured that the next vacancy for the post would be reserved for PwBDs. They also confirmed that future recruitment drives were on hold pending this Court's order to avoid lapse of vacancies under DoPT rules.

3.2 Respondent No. 1 (DoPT) vide reply dated 15.02.2024 referred to their Office Memorandum dated 15.01.2018 and 17.05.2022, which mandate identification of posts suitable for PwBDs and provision of 4% horizontal reservation unless exempted with valid reasons. They clarified that exemptions require certification from the appropriate authority and emphasized compliance with the RPwD Act, 2016.

3.3 Respondent No. 2 (UPSC) vide reply dated 15.02.2024 stated their role is limited to conducting examinations based on requisitions received from cadre controlling authorities. They returned the proposal for the 2025 recruitment to Respondent No. 4, awaiting this Court's directions, and confirmed that the application portal would incorporate PwBD suitability as per updated requisitions.

3.4 Respondent No. 3 (Ministry of Ports, Shipping and Waterways) vide reply dated 14.05.2024 supported Respondent No. 4's submissions.

4. Notice to Complainant for Rejoinder:

4.1. A copy of the reply filed by Respondents was forwarded to the Complainant vide letter dated 21/02/2024 for filing his rejoinder within 15 days.

5. Rejoinder filed by the Complainant:

5.1 The Complainant emphasized that the exclusion violated Sections 20 and 34 of the RPwD Act, 2016, and prayed for stringent enforcement of reservation policies.

5.2 He noted that while the recruitment for the advertised post had proceeded without PwBD inclusion, future processes should mandatorily comply.

6. Hearing (I):

6.1. The first hearing was held on 11 June 2025 in hybrid mode. The complainant emphasized denial of age relaxation and reservation for the low vision category, citing violation of Section 34 of the Rights of Persons with Disabilities (RPwD) Act, 2016, and Department of Personnel and Training (DoPT) Office Memorandum (OM) dated 15 January 2018. Respondents defended unsuitability based on functional requirements and pending exemption. The Court observed prima facie non-compliance, directed reassessment per Notes 2, 6, and 8 of the Gist of Recommendations of the Expert Committee as contained in the Department of Empowerment of Persons with Disabilities (DEPwD) notification dated 4 January 2021, and adjourned for backlog computation report.

7. Hearing (II):

7.1. The second hearing was held on 8 July 2025 in hybrid mode. The complainant highlighted ongoing delays in implementing the previous Record of Proceedings (RoP). Respondents updated on exemption status and reiterated unsuitability. The Court noted persistent issues, directed functional assessment and policy update per Section 20 of the RPwD Act, 2016, warned of penalties under Section 89 for non-compliance, and adjourned for final exemption and backlog details.

8. Hearing (III):

8.1. The third hearing was held on 13.01.2026. The following parties attended the hearing:

Sl. No.	Name & Designation of the Attendees	On Behalf of	Mode of Attendance
1.	Karanti Goyal, Complainant	Complainant	Online
2.	Shri Dipendra Singh, Deputy Director General (Shipping)	Respondent No. 4	Online

3.	Shri Ajay Joshi, Under Secretary, Union Public Service Commission (UPSC)	Respondent No.2	Online
4.	Shri A.K. Gopal, Deputy Secretary, Department of Personnel & Training (DoPT)	Respondent No.1	Online
5.	Captain R. Paswan, Directorate General of Shipping	Respondent No. 4	Offline

8.2. The Complainant confirmed partial resolution but urged general instructions for compliance. Respondent No. 4 assured reservation in the upcoming post and requested expeditious disposal to prevent vacancy lapse. Respondent No. 2 confirmed readiness to proceed upon receipt of updated requisitions.

9. Observations/Recommendations:

9.1 Upon considering the facts of the case and the material available on the records, including the complaint, respondent replies, rejoinders, and submissions during hearings, it is observed that the initial exclusion of PwBDs from the recruitment process for the post of Assistant Director General of Shipping was due to non-identification of the post as suitable, without providing a valid exemption certificate as required under DoPT OM dated 15.01.2018. This constituted a violation of Sections 20 and 34 of the RPwD Act, 2016.

9.2 The Court notes that Respondent No. 4 has taken corrective steps by revising the reservation roster and assuring PwBD inclusion in the next vacancy, which aligns with the statutory mandate for 4% horizontal reservation.

9.3 Respondent No. 4 is recommended to submit a report on an affidavit within 15 days, forwarding therewith:

- (i) Copies of group wise vacancy based reservation rosters maintained for Persons with Benchmark Disabilities and an undertaking for strict compliance with 4% horizontal reservation for PwBDs in all future recruitments;
- (ii) maintenance of updated records for PwD employees; and
- (iii) provision of reasonable accommodations and facilities as per the RPwD Act, 2016, and related guidelines.

9.4 Upon filing of the affidavit, Respondent No. 4 may proceed with the recruitment process through UPSC, ensuring that at least one vacancy is reserved for PwBDs in the upcoming cycle to prevent lapsing of the reserved vacancy. The Complainant is advised to submit his application accordingly.

9.5 The Respondents are advised to ensure mandatory mention of PwBD suitability in recruitment requisitions and take action against non-compliance as per Section 89 of the RPwD Act, 2016.

9.6 An Action Taken Report (ATR) shall be submitted by all Respondents within 3 months under Section 76 of the RPwD Act, 2016. Non-compliance may attract penalties under Sections 89 and 93 under RPWD Act, 2016.

10. Accordingly, the case is disposed of.

(S. Govindraj)
Commissioner for Persons with Disabilities