



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

5वाँ तल, एन.आई.एस.डी. भवन, जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष : (011) 20892364

5th Floor, N.I.S.D. Bhawan, G-2, Sector-10, Dwarka, New Delhi-110075; Tel.: (011) 20892364

Email: ccpd@nic.in; Website: www.ccdisabilities.nic.in

Case no. CCPD/14375/1011/2023

In the matter of:

1. Shri Umesh Kumar Vishwakarma ...**Complainant No. 1**
2. Shri Ashutosh Nandi ...**Complainant No. 2**
3. Shri Subhash Mahto ...**Complainant No. 3**
4. Shri Pradeep Kumar Mahto ...**Complainant No. 4**
5. Shri Amit Kumar Chauhan ...**Complainant No. 5**

Versus

The Chairman & Managing Director

Bharat Cooking Coal Ltd.

...**Respondent**

1. Hearing:

1.1 A hearing in hybrid mode was conducted on **19.11.2025**, wherein the following parties/representatives were present:

S. No.	Name and designation of the Attendees	On Behalf of	Mode of Attendance
1.	Umesh Kumar Vishwakarma – Complainant No. 1	Complainant No. 1	Online
2.	Ashutosh Nandi - Complainant No. 2	Complainant No. 2	Online
3.	Pradeep Kumar Mahto - Complainant No. 4	Complainant No. 4	Online
4.	Amit Kumar Chauhan - Complainant No. 5	Complainant No. 5	Online
5.	Vineet Kumar Sinha – Manager, HR, Bharat Cooking Coal Ltd.	Respondent	Online
6.	Adv. Shivam – Counsel for Respondent (Bharat Cooking Coal Ltd.)	Respondent	Online

2. Record of Proceedings:

2.1 At the outset, Complainant No. 1 submitted that the impugned advertisement was issued for permanent employees. All complainants appeared in the internal selection examination. However, the reservation as mandated under Section 34 of the Rights of Persons with Disabilities Act, 2016, was not extended to them.

2.2 The learned Counsel for the Respondent further submitted that the reservation was not applied as the complainants did not secure the minimum qualifying marks. The Respondent further submitted that the complainants did not avail themselves of facilities such as compensatory time or a scribe during the examination and that these issues were raised only after they failed to qualify.

2.3 The Court noted that in accordance with the statutory provisions as mentioned by the Complainant and the relevant instructions of the DOPT (OM dated 15.01.2018), the complainants were entitled to the benefit of reservation and

relaxation of standards on account of their disability, as was held by the Hon'ble Supreme Court in ***Siddharth Sharma v. High Court of Judicature at Rajasthan and Anr. 2024 SCC Online SC 4825.***

2.4 The Court observed that the issue arose due to a lack of proper understanding on the part of the Respondent. The Court directed the Respondent to file an undertaking, within 15 days from the date of issuance of this Record of Proceedings, stating that awareness and sensitisation programmes would be conducted for staff to ensure compliance with the rights of persons with disabilities.

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

(Praveen Prakash Ambashta)
Dy. Chief Commissioner