



सत्यमेव जयते

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/16339/1013/26

Dated: 16/03/2026

**Case No. CCPD/16339/1031/2026**

**In the matter of —**

**Complainant**

Mr. Vishwajeet Rai

**Versus**

**Respondent (s)**

1. The Secretary,

Ministry of External Affairs,

South Block, New Delhi

2. The Chairman,

Staff Selection Commission (SSC),

Block No. 12, CGO Complex,

Lodhi Road, New Delhi-110003

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## **1. Gist of the Case:**

1.1 Mr. Vishwajeet Rai, a person with 90% visual impairment, filed a Complaint regarding the undue delay in the issuance of a joining letter and the processing of appointment to a post under the SSC MTS (Multi-Tasking Staff) Examination 2024, despite successful qualification and completion of document verification.

1.2 The Complainant qualified for SSC MTS 2024 and completed document verification on 29 April 2025 at the Ministry of Home Affairs. Allocation/posting appears to be under the Ministry of External Affairs (MEA). Despite continuous follow-up with MEA, no joining letter has been issued even after nearly 10 months. MEA informed the complainant, telephonically, that they requested scribe details from SSC and are awaiting a response. Later, on 31 December 2025, MEA informed that SSC rejected the request to share scribe details. The complainant also submitted written representations to the SSC Head Office on 03 June 2025 and 10 July 2025.

1.3 The Complainant has requested for a direction to the concerned authorities to process the joining and issue the appointment letter to him without further delay.

## **2. Notice issued to the Respondents:**

2.1. In exercise of the powers conferred u/s 75 & 77 of the Rights of Persons with Disabilities Act, 2016 [hereinafter referred to as "the Act"], a Notice cum with Record Of Proceedings dated 15.01.2026 was issued for violation under sections 3, 20, 34 & 42 of the Act to the above-mentioned Respondents for forwarding to this

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Court comments (on affidavit) on the complaint; within the statutory time limit.

### **3. Hearing (I):**

3.1. A preliminary hearing was held on the matter on 14.01.2026 wherein recommendations were given to SSC and MEA to explain the reasons for not sharing the scribe details, compliance with scribe & appointment guidelines, steps taken for complainant's joining and further remedial action.

### **4. Hearing (II):**

4.1. As per the recommendations the case was admitted and subsequent hearing was conducted on 20.01.2026. The Ministry of External Affairs appeared, but the Staff Selection Commission (SSC) again failed to attend or submit the required documents despite repeated recommendations. The absence and non co-operation was noted with due concerns for being a breach of natural justice and detrimental to the PwBD candidates. The Court directed the SSC to provide all information by 23 January 2026 and notified further action under Sections 77, 89, and 93 of the Act, and posted the matter for final hearing and order on 27 January 2026.

### **5. Hearing (III):**

5.1. During the hearing held on 27.01.2026, MEA submitted that SSC has a policy of not sharing scribe details with user departments and that the complainant did not forward the scribe particulars when requested. SSC reiterated its refusal to share such details and stated that the attending officer was not competent to explain the rationale behind the policy. The Court of Chief Commissioner for

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Persons with Disabilities expressed serious concern over the continued delay, lack of coordination between the Respondents, and repeated non-appearance of a competent officer on behalf of SSC. The Court recommended the Respondents to furnish clarifications on the legal basis for seeking scribe details, the rationale for SSC's refusal, the steps taken for verification, and the number of similarly affected PwBD candidates, and called upon MEA to show cause as to why the waiting period should not be treated as duty for service benefits. The matter was listed for further hearing on 03.02.2026, with directions to ensure the presence of competent officers capable of assisting in an expeditious resolution.

## 6. Hearing (IV):

**6.1.** A hybrid hearing was conducted by the Commissioner for Persons with Disabilities on 03.02.2026. The following were present during the hearing:

Sl. No.	Name & Designation of the Attendees (Smt./Shri)	On behalf of	Mode of Presence
1.	Kamana Rai, Mother of Complainant	Complainant	Online
2.	Amit Gupta, Under Secretary, Ministry of External Affairs	Respondent No. 1	Online
3.	Sanjay Kashyap, Section Officer, Staff Selection Commission	Respondent No.2	Online

6.2 During the hearing, the Ministry of External Affairs informed the Court that it had issued a request to all PwBD candidates seeking their scribe details. Responses were received from eight candidates, and these details were shared with the Staff Selection Commission on the previous day. Details in respect of the remaining candidates are still awaited. SSC reiterated its existing policy of not sharing scribe details with user departments but stated that it is willing to confirm

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whether the use of a scribe was permitted in each case as per SSC norms.

6.3 This Court observed that the responsibility for the conduct of the examination, its integrity, and verification of scribe usage rests entirely with SSC. It was further noted that the user department, namely the Ministry of External Affairs, is not required to seek or verify scribe particulars once the examination has been conducted and the candidature has been cleared by SSC.

6.4 Accordingly, the Court recommended MEA to proceed with the appointment of all eligible PwBD candidates without any further delay, relying on confirmation from SSC regarding scribe as per policy. The SSC confirmed its readiness to provide such confirmation. The Court suggested that the entire process be completed within a period of fifteen days and that a compliance report be submitted thereafter.

## **7. Observations and Recommendations:**

7.1 Upon perusal of the Complaint, Notices, hearings, and records, it is observed that there has been undue delay in the appointment which is a clear violation under Section 20 (non-discrimination in employment) and Section 42 (reservation in promotions) of the RPwD Act, 2016, read with DoPT OM dated 15.01.2018 & 17.05.2022.

7.2. SSC's refusal to share scribe details is a policy matter but it does not absolve the user department from proceeding to appoint candidates on SSC's confirmation

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of eligibility.

7.3. The MEA's insistence on scribe particulars caused an avoidable delay of nearly 10 months, despite SSC's offer to confirm the candidature as per policy. Although, there is no evidence of mala fide, but there certainly is dereliction of duty by undue delay which defeats the reservation mandate and reasonable accommodation to persons with benchmark disabilities. Moreover, it is also violative of Article 16 (1) of the Constitution as non-disabled candidates got their appointment almost a year before the Complainant.

7.4 This Court advises Respondent No. 2 (SSC) to furnish written confirmation to MEA regarding scribe eligibility for all PwBD candidates within further 7 days. The Respondent No. 1 (MEA) to appoint all eligible PwBD candidates, including the Complainant, immediately within 15 days from the date of receipt of this order, relying on SSC's confirmation of scribe and eligibility as per policy, without insisting on scribe particulars. Respondent No. 1 shall treat the waiting period from the eligibility date as duty for pay and service benefits if the appointment is delayed beyond 15 days.

7.5 The Respondents shall submit a Action Taken Reports (ATR) within 3 months to this Court under Section 76 of the RPwD Act, 2016. Non-compliance may attract penalties under Sections 89 and 93.

8. Accordingly, the case is disposed of.

**Yours faithfully,**

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(S. Govindaraj)  
Commissioner

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