



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/16451/1015/26

Dated: 15/04/2026

Case No. CCPD/16451/1015/2026

In the matter of —

Sh. Mohit

... Complainant

Versus

The Divisional Railway Manager,

Northern Railway

... Respondent

1. Gist of the Case:

1.1 Sh. Mohit, a person with a benchmark disability, filed a complaint dated 08.09.2025 regarding the rejection of his candidature for the post of Junior Engineer (Track Machine), Level-6, under Centralised Employment Notice (CEN) No. 03/2024 issued by the Ministry of Railways. The rejection occurred at the Document Verification stage despite the Complainant successfully clearing the CBT-1 and CBT-2 examinations. The sole ground of rejection was that the post was indicated as suitable only for one lower limb affected (OL) category in the post parameters table of the CEN and not for both lower limbs affected (BL) category.

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1.2 The Complainant stated he is able to walk with the help of a single stick and can perform functions such as sitting, standing, walking (including up to 1 km without exhaustion), bending, crouching, climbing stairs, etc., except possibly jumping. He applied under the Locomotor Disability (LD) category without specifying the sub-category (OL/BL), as it was not mandatory in the online form. The complaint does not appear to suffer from delay, res judicata, or estoppel, and no information was provided regarding any matter pending/decided by any other court/tribunal.

1.3 The Complainant prays that since he has cleared both CBT-1 and CBT-2 examinations and has no limitations that prevent him from competently doing his daily duties, he be allowed to continue with the selection process and join the Railway Recruitment Board (RRB) Chandigarh.

2. Notice issued to the Respondents:

2.1 A notice dated 10.12.2025 was issued by this Court under Sections 75 and 77 of the Rights of Persons with Disabilities Act, 2016 (hereinafter referred to as "the Act"), directing the Respondent to furnish their comments on the complaint and place on record supporting documents and justifications, if any.

3. Reply filed by the Respondents:

3.1 No written reply was received from the Respondent despite the issuance of the notice. However, the Respondent's representatives appeared during the hearing and made oral submissions.

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4. Hearing:

A hearing was conducted in hybrid mode on 15.12.2025 wherein the following parties/representatives were present:

Sl. No.	Name & Designation of the Attendees (Smt./Shri)	On behalf of	Mode of Presence
1.	Sh. Mohit	Complainant	Online
2.	Sh. Gagandeep, Office Superintendent, RRB Chandigarh	Respondent	Online
3.	Sh. Rajiv Kumar, Asst. Secretary, RRB Chandigarh	Respondent	Online

5. Record of Proceedings:

5.1 The Complainant alleged that the rejection was mechanical and based solely on the disability sub-category (BL) without any functional assessment. He relied on the indicative (non-exhaustive) nature of the list of identified posts notified by the Department of Empowerment of Persons with Disabilities (DEPwD) vide notification dated 04.01.2021 and submitted that suitability ought to be determined on functional ability rather than blanket exclusion. He further stated that he was not even afforded an opportunity for medical examination by a medical officer to assess functional fitness.

5.2 The Respondent submitted that the post of Junior Engineer/Track Machine is indicated in Annexure-A (Post Parameters) of CEN 03/2024 as suitable only for OL (one leg affected) and not for BL (both legs affected). The suitability criteria were as per the Centralised Employment Notice approved by the Railway Board. No posts under this CEN were identified as suitable for candidates with both lower

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limbs affected. The classification followed the guidelines/policy of the Railway Board and the list was checked against DEPwD notifications.

5.3 While the Respondent contends that the identification strictly excludes the BL category, this Court observes that such a blanket restriction violates the mandate of the Rights of Persons with Disabilities (RPwD) Act, 2016. Under Section 33 of the Act, the identification is required to be on a functional basis. The DEPwD Notification dated 04.01.2021 at Note 8 of the Gist of Recommendations of the Expert Committee also provides that Central Ministries or Departments or Public Sector Undertakings or Autonomous Bodies can verify the authenticity of the certificate of disability and examine the suitability of the candidate in terms of functional requirements before appointment against any identified post. Further, Section 20 mandates reasonable accommodation in the matter of employment.

5.4 While this Court does not dispute the fact that the DEPwD Notification excludes the BL Category from appointment to the post of Junior Engineer/Track Machine, it observes that spirit of the RPwD Act is not to use the list mechanically without application of mind, but use the enabling provisions of Section 33 read with Note 2 and 8 of the Gist of Recommendations of the Expert Committee as contained in the DEPwD Gazetted Notification dated 04.01.2021 to determine the suitability of a person with a disability on the basis of individual's actual functional ability rather than a rigid disability label. Given that the Complainant demonstrated significant physical competencies (including walking, climbing, and bending) and was denied a formal medical assessment of his functional fitness, the current recruitment norms are found to be inconsistent with the spirit of the Act.

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6. Observations and Recommendations:

6.1 The Respondents are recommended to review their existing policies to transition from category-based exclusions to functional competency assessments for Persons with Benchmark Disabilities (PwBD) candidates. The Respondents shall ensure that future recruitment processes provide for individualised medical evaluations in contested cases to prevent the arbitrary disqualification of capable individuals. The Respondent is further suggested to submit an Action Taken Report to this Court within ninety (90) days regarding the steps taken to implement these recommendations.

7. Accordingly, the case is disposed of in these terms.

Yours faithfully,

(S. Govindaraj)
Commissioner

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