



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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DNO: CCPD-AD-0031/2026

In the matter —

Sheraz Islam

... Complainant

Versus

The Commissioner,

Department of Food Safety, Andaman ... Respondent

1. Gist of Complaint:

1.1 Shri **Sheraz Islam**, a person with **44% Locomotor Disability (LD)** and an eligible candidate for the post of **Food Safety Officer (FSO)** under the Andaman & Nicobar Administration, filed the present complaint alleging **non-implementation of reservation for Persons with Benchmark Disabilities (PwBDs)** in the recruitment process for the post of Food Safety Officer (Group-B, Non-Gazetted) advertised through a recruitment notice issued in 2025.

1.2 The Complainant submitted that the sanctioned strength of the Food Safety Officer cadre is **19 posts**. Under Section 34 of the Rights of Persons with Disabilities Act, 2016, a minimum of **4% reservation for PwBDs** is mandatory. According to him, the cadre strength requires at least **one post to be identified and reserved for PwBD candidates**, particularly under the Locomotor Disability category. However, the recruitment notification did not reserve any post for PwBD candidates.

1.3 The Complainant further contended that one vacancy arose due to the anticipated retirement of an existing Food Safety Officer and, since the recruitment process had not been finalised, the Administration had sufficient opportunity to earmark the vacancy for PwBD candidates before completion of the selection process. Despite repeated representations submitted on **15.04.2026, 17.04.2026 and 20.04.2026**, no corrective action was taken by the authorities.

1.4 It was alleged that the failure to reserve a post for PwBD candidates amounts to a violation of **Section 34 of the RPwD Act, 2016**, resulting in denial of equal opportunity and discrimination against eligible candidates with disabilities. The Complainant asserted that the continuing recruitment process without providing reservations would cause

irreversible prejudice to PwBD aspirants.

2. Reliefs Sought:

The Complainant prayed for the following directions:

2.1 To direct the Department of Food Safety, Andaman & Nicobar Administration, to **immediately earmark at least one post of Food Safety Officer for PwBD (LD/OH) candidates** in the ongoing recruitment process.

2.2 To ensure that the identified post is **filled through the current recruitment cycle itself**.

2.3 To direct the Administration to **prepare and maintain a proper reservation roster** in compliance with the RPwD Act, 2016.

2.4 To issue appropriate directions for **effective implementation of PwBD reservation in all notified posts** under the CGLE Examination 2025–26 and future recruitments where reservation for persons with disabilities is applicable.

3. Notice:

A Notice dated 11.06.2026 as well as Corrigendum dated 12.06.2026 under sections 75 & 77 of the Rights of Persons with Disabilities Act, 2016 [RPwD Act, 2016] was issued to the above-mentioned respondent for a hearing on **15.06.2026 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.

4. Hearing:

An admissibility hearing was conducted in hybrid mode on 15.06.2026. The following parties/their representatives were present during the hearing:

Sl. No.	Name & designation of the attendee	For & on behalf of	Mode of appearance
1.	Sheraz Islam	Complainant	Online
2.	Ms Priyanka Kumari, ADM (SA)/Jt. Commissioner, Food Safety Andaman & Nicobar	Respondent	Online

5. Record of Proceedings:

5.1 During the hearing the Complainant, Shri Sheraz Alam submitted that in the recruitment process for five posts of Food Safety Officer conducted in 2023, reservation for persons with disabilities (PwD) was not provided. Referring to the reservation roster, as submitted by him, he pointed out that roster points 33 to 38 pertained to the 2023 recruitment cycle and were issued by the Administration Department of Food Safety.

5.2 The Complainant further submitted that the reservation categories were altered while publishing the advertisement. According to him, certain posts earmarked for OBC candidates were changed, while roster points 36 and 37, which were originally meant for

the Unreserved (UR) category, were advertised as OBC posts. Similarly, roster point 34, which was a General category post, was also treated as an OBC post.

5.3 The Complainant further contended that the Department of Food Safety, in reply to various RTI applications, had admitted that no cut-off marks or normalization process had been applied in the recruitment. He questioned how candidates could have been selected on their own merit in the absence of any cut-off or normalization mechanism. He stated that normalization is a standard feature of competitive examinations and cited his own experience of qualifying several examinations, including the SSC CGL Examination and the Joint Entrance Examination (JEE), to emphasize the importance of a transparent merit determination process. He therefore sought clarification regarding the basis on which the selections in the 2023 recruitment were made.

6. Submission of the Respondent:

6.1 The ADM (SA)/Joint Commissioner, Food Safety submitted that the post of Food Safety Officer was initially under the Health Department and was subsequently transferred to the Food Safety Department. She stated that the roster relied upon by the complainant had been inadvertently provided in response to an RTI application and was not the correct roster. According to her, the roster in question pertained only to SC/ST/OBC reservations and not to reservation for persons with disabilities (PwDs).

6.2 She admitted that reservation for PwDs had not been provided in the department so far. However, she stated that the department had recently prepared a separate PwD reservation roster in accordance with the latest guidelines issued by the Department of Personnel and Training (DoPT) and had shared the same with both the Commission and the complainant. She further submitted that, as per the correct roster, vacancies had been filled only up to roster point 21, roster point 22 had been advertised, and roster point 23 was proposed to be filled in the next recruitment cycle.

6.3 The respondent further informed that no person with disability was presently working in the department. She explained that, in accordance with the model reservation roster, 4% reservation for PwDs is being provided, the first reserved vacancy out of the initial twenty-five vacancies would fall to the category of persons with blindness and low vision. Accordingly, the next vacancy proposed to be advertised would be earmarked for the PwD category, and if a suitable candidate from the designated sub-category was not available, the vacancy could be interchanged with other eligible PwD categories as per the applicable rules.

6.4 Regarding the recent recruitment process, she submitted that one vacancy had been advertised during the current year but had not been reserved for PwDs. The recruitment process had not yet been completed and that no candidate had been recruited against the advertised post. She further informed that another vacancy was likely to arise shortly due to the impending retirement of an employee and that the same would be advertised within approximately three months. She assured the Commission that all relevant documents, including the date of advertisement and the revised reservation roster, would be furnished to the Commission.

7. Observations:

7.1 After hearing the parties, the Court observed that one post ought to have been

reserved for persons with disabilities and questioned the continued non-implementation of PwD reservation. The respondent department could not postpone the implementation of reservation at its discretion and remarked that reservation should have been provided much earlier.

7.2 Upon being informed that a vacancy had recently been advertised without PwD reservation and that the recruitment process was still underway, the respondent department should have immediately stopped the on-going recruitment process.

7.3 The Court also observed that no proper and exclusive PwD reservation roster had been prepared as stipulated at Para 7 of the Office Memorandum No. 36035/02/2017-Estt (Res) dated 15.01.2018 issued by the Department of Personnel & Training.

8. Recommendations:

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

8.2 The respondent department shall issue a corrigendum incorporating reservation for persons with disabilities and thereafter proceed with the recruitment process.

8.3 The respondent department shall prepare and release a proper PwD reservation roster within fifteen days and submit a copy thereof to this Court. Till compliance with these recommendations, the on-going recruitment process should not be taken forward.

8.4 The respondent department will also submit all relevant recruitment documents and ensure that the recruitment process remained transparent and in conformity with the reservation provisions applicable to persons with disabilities.

8.5 The respondent department will also ensure that the prescribed reservation roster and applicable rules are followed strictly while conducting the recruitment process.

8.6 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 under sections 33, 34 of the RPwD Act, 2016, 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 RPwD Act, 2016, other statutory provisions, and government instructions such as the ones mentioned above.

8.7 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 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 respondent.

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

Ipsita Mitra
19.6.26

(Ipsita Mitra)
Dy. Chief Commissioner