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... Complainant

Versus

... Respondent

1. Gist of the Case:

1.1 Shri Ram Kishan, a person with 80% locomotor disability, filed a Complaint dated 15/12/2023 regarding relaxation in recruitment for the Deputy Director NIOS Post.

1.2 The facts relate to an advertisement for the Deputy Director post at NIOS, where the complainant sought necessary action for relaxation in recruitment criteria for persons with disabilities, as per the Rights of Persons with Disabilities Act, 2016. The complaint arose in December 2023, with subsequent correspondence including a notice dated 20/12/2023, a reply dated 15/02/2024, a notice for rejoinder dated 15/02/2024, a rejoinder dated 11/03/2024, and a current status from the Respondent dated 29/07/2025.

1.3 Relief sought includes directing the respondent to provide relaxation in recruitment norms for persons with disabilities and ensure compliance with reservation policies.

2. Notice issued to the Respondents:

In exercise of the powers conferred under sections 75 and 77 of the Rights of Persons with Disabilities Act, 2016 [hereinafter referred to as “the Act”], a notice dated 20/12/2023 was issued for violation under sections 33 and 34 of the Act to the above mentioned respondent for forwarding to this Court comments on affidavit on the complaint within the statutory time limit.

3. Reply filed by the Respondents:

3.1 Respondent filed a reply dated 12/02/2024 to the notice, providing comments on the complaint. The reply does not directly address the substantive issue of age relaxation implementation or any technical flaws in the portal, but shifts focus to the complainant's failure to use the correct support mechanism. No attachments or additional evidence (e.g., email logs) are mentioned in the document.

4. Rejoinder filed by the Complainant:

4.1 Rejoinder was filed on 20/02/2024. It criticises NIOS's reply dated 12/02/2024 on nine key points, seeking immediate action to allow the complainant's application for the Deputy Director post with age relaxation under the Rights of Persons with Disabilities Act, 2016, and relevant DoPT Office Memorandum dated 15/01/2018.

5. Hearing:

A hybrid hearing was conducted on 23.12.2025 wherein the following were present:

Sl. No.	Name & Designation of the Attendees (Smt./Shri)	On behalf of	Mode of Presence
1.	Ram Kishan	Complainant	Online
2.	Rajesh Gautam, Dy. Director (Admn.)	Respondent	Online
3.	Naveen Bhatia, System Analyst (IT)	Respondent	Online
4.	Vikram, Section Officer (Recruitment)	Respondent	Online
5.	Alka Tiwari, Legal Consultant	Respondent	Online

5.2 The complainant reiterated that his application was rejected by the online recruitment portal on account of the age limit, as the system did not provide for the

age relaxation available to persons with benchmark disabilities. He further submitted that no response was received to his email dated 15.12.2023 and requested that his application be accepted offline by extending the benefit of a 10-year age relaxation in accordance with the DoPT Office Memorandum dated 15.01.2018.

5.3 The respondent acknowledged that the online portal had certain technical limitations but submitted that applications were processed strictly in accordance with the prevailing recruitment rules and that the benefit of age relaxation was not extended in view of the applicable internal policy. Upon consideration of the submissions, the Court observed that the issues raised require examination in light of the statutory reservation framework under the Rights of Persons with Disabilities Act, 2016, and the DoPT Office Memoranda dated 15.01.2018 and 17.05.2022, which provide for age relaxation for persons with benchmark disabilities.

5.4 The Court further observed that the complainant has already placed on record a disability certificate issued in 2011, while the Unique Disability ID (UDID) Card is stated to be under process. In order to facilitate appropriate consideration of his grievance, the Court considered it appropriate that the respondent examine the complainant's case upon submission of the requisite disability documents.

6. Observations and Recommendations

6.1 The Court observes that the rejection of the complainant's application on the ground of age, without enabling the benefit of the age relaxation available to persons with benchmark disabilities through the online recruitment portal, raises concerns regarding compliance with the provisions of the Rights of Persons with Disabilities Act, 2016, particularly Sections 20 and 34, read with the DoPT Office Memoranda dated 15.01.2018 and 17.05.2022.

6.2 It is further observed that no specific justification has been placed on record for the non-implementation of the prescribed age relaxation, and the apparent inability of the online portal to accommodate the applicable relaxation may have adversely affected the complainant's opportunity to participate in the recruitment process. The disability certificate produced by the complainant and the pending issuance of the UDID Card may be appropriately considered while examining his eligibility.

6.3 The Court also observes that timely and responsive consideration of representations made by persons with benchmark disabilities is essential to ensure effective implementation of the rights guaranteed under the Rights of Persons with Disabilities Act, 2016.

6.4 In the above circumstances, the Court recommends that the respondent examine the complainant's case for acceptance of his application through an appropriate offline or alternative mechanism, after extending the benefit of the applicable age relaxation under the DoPT Office Memoranda dated 15.01.2018 and 17.05.2022, subject to verification of the complainant's disability certificate and/or UDID Card in accordance with the applicable rules.

6.5 This Court further recommends the respondent to review and suitably modify the online recruitment portal so that the age relaxation and other statutory benefits available to persons with benchmark disabilities are automatically incorporated in future recruitment processes, thereby ensuring compliance with the Rights of Persons with Disabilities Act, 2016, and the applicable Government instructions.

6.6 The respondent is requested to communicate the action taken on the above recommendations by filing an Action Taken Report before this Court within three months, in terms of Section 76 of the Rights of Persons with Disabilities Act, 2016.

7. Accordingly, the case is disposed of.

(S. Govindaraj)
Commissioner for Persons with Disabilities