



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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Case No. CCPD/13630/1011/2023

In the matter of —

Shri Subhash Chandra Vashishth

... Complainant

Versus

Reserve Bank of India through
Reserve Bank of India Services Board
C/o CGM-in-Charge and Secretary
Secretary's Department Reserve Bank of India

... Respondent

1. Gist of the Case:

1.1 Shri Subhash Chandra Vashishth, Advocate, filed the present complaint dated 04.01.2023 alleging that the recruitment policy adopted by the Reserve Bank of India (RBI) for recruitment to the post of Officers in Grade 'B' (DR) – General, PY 2022, was contrary to the provisions of the Rights of Persons with Disabilities Act, 2016 (RPwD Act). The grievance primarily related to the practice of awarding 7% notional grace marks to candidates with benchmark disabilities (PwBD) and thereafter placing them within their respective social categories for implementation of horizontal reservation.

1.2 The Complainant submitted that although 22 vacancies had been reserved for PwBD candidates and 20 candidates with benchmark disabilities had qualified all stages of the selection process, including the interview, only eight candidates were

ultimately appointed, while the remaining vacancies were filled by candidates belonging to the non-PwBD category. According to the Complainant, the methodology adopted by RBI resulted in linking the cut-off marks of PwBD candidates with the cut-offs of their respective vertical categories after addition of notional marks, thereby causing discrimination amongst PwBD candidates and defeating the object of horizontal reservation envisaged under the RPwD Act, 2016.

1.3 The Complainant prayed for declaring the system of awarding notional grace marks as arbitrary and contrary to law; directing the Respondent to implement horizontal reservation in accordance with the RPwD Act without resorting to such methodology; carrying forward the unfilled PwBD vacancies; conducting a special recruitment drive to fill backlog vacancies; and ensuring uniform application of relaxed qualifying standards for all persons with benchmark disabilities irrespective of their social category.

2. Proceedings before the Court

2.1 In exercise of the powers conferred under Sections 75 and 77 of the RPwD Act, 2016, notice dated 06.01.2023 was issued to the Respondent seeking its comments on the allegations relating to the implementation of reservation under Sections 20, 33 and 34 of the Act.

2.2 The Respondent filed replies and affidavits on various dates, namely 03.02.2023, 08.08.2023, 31.01.2024 and 09.02.2024, contending that the award of 7% notional marks had been adopted in accordance with the applicable DoPT guidelines and the prevailing policy governing horizontal reservation. It was further submitted that backlog vacancies for PwBD candidates were being carried forward and that the recruitment policy was consistent with the principles governing reservation. Subsequently, through compliance affidavits dated 24.01.2024 and 12.04.2024, the Respondent informed this Court that the practice of awarding notional marks had been discontinued from Recruitment Year (PY) 2023 onwards and that steps were being taken to fill the backlog vacancies.

2.3 The replies were forwarded to the Complainant, who filed a detailed rejoinder dated 14.03.2023 reiterating that the impugned policy resulted in unequal treatment amongst PwBD candidates belonging to different social categories and was inconsistent with the DoPT Office Memoranda governing reservation for persons with disabilities. The Complainant also sought disclosure of the marks obtained by PwBD candidates to verify the application of the policy. A further representation dated 08.08.2025 was also received seeking an update regarding the action taken

in the matter.

3. Hearing-I (22.06.2023): During the first hearing, the Complainant was present whereas the Respondent remained absent. The Court directed the Respondent to furnish complete information regarding the manner in which reservation for persons with disabilities had been implemented, particularly whether the reservation had been bifurcated on the basis of social categories, along with the relevant records.

4. Hearing-II (16.01.2024): During the second hearing, representatives of RBI appeared before the Court. The Complainant reiterated that the grievance related to the non-uniform application of the 7% grace marks policy and submitted that the Respondent had failed to address the substantive issues raised in the complaint. The Court also granted time to the Complainant to furnish particulars of the affected candidates.

5. Hearing-III (13.02.2024): During the third hearing, the Respondent submitted that the issue concerning relaxation of qualifying standards for PwBD candidates was already pending consideration before the Hon'ble Supreme Court in *Governor, Reserve Bank of India vs. Karanti Goyal* and, therefore, no policy revision could be undertaken till the outcome of the said proceedings. It was further submitted that the backlog vacancies reserved for persons with benchmark disabilities would be filled during the ensuing recruitment cycle.

6. Hearing (IV):

A hearing in hybrid mode 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.	Adv. Subhash Vashishth	Complainant	Online
2.	Pallav, Advisor	Respondent	Online
3.	M. Uday Krishna, AGM	Respondent	Online

6.1 The Respondent submitted that the practice of awarding notional grace marks had been discontinued with effect from Recruitment Year (PY) 2023. It was further submitted that persons with benchmark disabilities are now treated as a separate category for the purpose of applying relaxed qualifying standards, while horizontal reservation continues to be implemented within their respective social categories. The Respondent also informed this Court that all 14 backlog vacancies reserved for persons with benchmark disabilities had been filled during the Recruitment Year 2023 recruitment process. The Complainant expressed

satisfaction with the discontinuation of the notional grace marks system, while emphasizing that uniform application of relaxed qualifying standards should be ensured for all persons with benchmark disabilities irrespective of their social category in future recruitments.

7. Observation and Recommendation:

7.1 The material placed before this Court indicates that the earlier practice of awarding 7% notional grace marks and linking the qualifying standards of PwBD candidates with their respective social categories was not in consonance with the objective of ensuring equal opportunity and effective implementation of horizontal reservation envisaged under Section 34 of the RPwD Act, 2016, read with the DoPT Office Memorandum dated 15.01.2018 and 17.05.2022. Such a methodology had the potential to result in unequal treatment amongst persons with benchmark disabilities belonging to different social categories.

7.2 However, it is equally evident from the compliance reports and submissions made by the Respondent that the impugned policy has since been discontinued. RBI has revised its recruitment policy by treating persons with benchmark disabilities as a separate category for the purpose of applying relaxed qualifying standards while continuing to implement horizontal reservation in accordance with law. The Respondent has also reported that the backlog vacancies reserved for PwBD candidates have been filled during the Recruitment Year 2023 recruitment process.

7.3 In view of the corrective measures undertaken by the Respondent and the statement made before this Court, no material has been placed on record to indicate the existence of any continuing violation. The Complainant has also expressed satisfaction regarding the discontinuation of the earlier practice.

8. Recommendations

8.1 The Respondent shall ensure that in all future recruitment processes, relaxed qualifying standards for persons with benchmark disabilities are applied uniformly and in strict conformity with the provisions of the RPwD Act, 2016 and the DoPT Office Memorandum dated 15.01.2018 and 17.05.2022, without creating any discrimination amongst PwBD candidates on the basis of their social categories.

8.2 The Respondent shall continue to implement horizontal reservation strictly in accordance with Section 34 of the RPwD Act, 2016 and maintain complete transparency in the application of reservation and relaxed qualifying standards for

persons with benchmark disabilities.

8.3 The Respondent is advised to furnish an Action Taken Report before this Court within three months from the date of receipt of this Recommendation Order indicating the steps taken to implement the above recommendations. In the event of non-compliance, this Court may consider initiating appropriate proceedings under the relevant provisions of the Rights of Persons with Disabilities Act, 2016, including Sections 89 and 93, as may be applicable.

9. Accordingly, the case is disposed of.

(S. Govindaraj)

Commissioner for Persons with Disabilities