



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/14707/1041/2023

In the matter of —

Shri Mihir Tulshidas Shinde

... Complainant

Versus

The Chairman,
Bar Council of India

... Respondent

1. Gist of the Case:

1 . 1 Shri Mihir Tulshidas Shinde, a person with benchmark disability, filed a Complaint dated 15/12/2023 regarding the denial of extra time and harassment during the All India Bar Examination (AIBE) XVIII.

1.2 The facts relate to the AIBE exam conducted on 10/12/2023 at Sun Bright Junior College, Ambegaon Bk, Pune (Centre Code-4805). During examination, the complainant was allotted a classroom on the first floor without a lift and no extra time (20 minutes per hour for PwD with more than 40% disability) was provided despite it being mentioned on the admit card. The question papers/OMR sheets were distributed late at 10:30 am instead of 10 am, causing further inconvenience. The initial grievance was raised via email on 11/12/2023 to the Bar Council of India and others, leading to a formal complaint after CCPD's response on 15/12/2023 seeking details.

1.3 Relief sought includes directing the respondent to make AIBE a computer-based test, increasing exam centres per state, ensuring instructions for PwD reach

centres, providing proper assistance to disabled candidates, and streamlining the process for all candidates to prevent such discrimination.

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 3, 21, and 23 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 No reply has been received from Respondent No.1 despite the notice and a final reminder dated 14/03/2024.

4. Hearing:

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

Sl. No.	Name & Designation of the Attendees (Smt./Shri)	On behalf of	Mode of Presence
1.	Mihir Tulshidas Shinde	Complainant	Online
2.	Awanish Kumar Pandey, Additional Secretary	Respondent	Online

4.2 The Complainant reiterated that he was denied the prescribed compensatory time during the examination and was granted only 20 minutes instead of the entitled 60 minutes, despite having 70% benchmark disability resulting from left-side paralysis following a brain haemorrhage. He further submitted that the examination centre was located on the first floor without lift access, causing considerable difficulty in reaching the venue, and that there was also a delay in the distribution of the question papers, which further prejudiced his performance in the examination.

4.3 The Respondent, Bar Council of India, appeared for the first time and submitted that it had no prior knowledge of the grievance. It sought time to collect the relevant records and file its response. However, the Court declined the request for adjournment, observing that the first notice in the matter had been issued in 2023 and that sufficient opportunity had already been available to the Respondent.

4.4 The Court clarified the legal position under the RPwD Act, 2016 and relevant DEPwD/ DoPT Office Memorandums, observing that the facility of a scribe and compensatory time at the rate of 20 minutes per hour is available only to persons with blindness, persons with upper extremity disabilities, or persons having a functional limitation in writing, duly certified by a competent medical authority. During the hearing, the Complainant admitted that he had not obtained the requisite medical certificate.

5. Observation and Recommendations:

5.1 The Court observed that under the RPwD Act, 2016, read with the DoPT Office Memorandum dated 10.08.2022 issued pursuant to the judgment of the Supreme Court in Vikash Kumar v. Union Public Service Commission, the facility of a scribe and compensatory time is available to persons with blindness, persons with locomotor disability affecting the upper extremities, and persons having a certified functional limitation in writing. Since the Complainant admitted that he had no difficulty in writing and had not produced the requisite medical certification, he was not entitled to the said facilities under the prevailing guidelines.

5.2. Accordingly, the case is disposed of .

(S. Govindaraj)
Commissioner for Persons with Disabilities