



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-OF-0031/1011/2026

Case No.: CCPD-AD-0068/2026

In the matter of:

Smt. Ranju Lata Soni

...Complainant

Versus

(1) The Secretary, Railway Board

(2) The Chairman and Managing Director, RITES Limited

(3) The Secretary, Department of Personnel and Training (DoPT), Ministry of
 Personnel, Public Grievances and Pensions

...Respondent

1. Hearing

1.1 A preliminary hearing in admissibility Case No.CCPD-AD-0068/2026 was conducted on 06.07.2026 in hybrid mode, wherein the following parties/representatives were present:

S.NO	NAME /DESIGNATION OF THE PARTY	REPRESENTATIVE OF
1	Smt. Ranju Lata Soni	Complainant
2	Adv. Rahul Bajaj	Complainant
3	Shri S. Mohanty, Executive Director (HR)	Respondent 2

1.2 No representatives from Respondent 1 were present during the proceedings.

2. Record of Proceedings

2.1 The Complainant, Mrs. Ranju Lata Soni, a highly qualified OBC candidate

and a person with a permanent 40% visual impairment (Low Vision), had submitted a formal grievance dated 23.06.2026 alleging systemic discrimination by RITES Limited and the Railway Board. Despite being a gold-medalist MBA graduate, UGC-NET qualified, and having cleared the written examinations across four consecutive recruitment cycles for HR positions, she has been repeatedly disqualified at the viva-voce stage by narrow margins, leaving the horizontally reserved seats for visually impaired candidates entirely vacant for four cycles. Backed by a January 2026 Department of Empowerment of Persons with Disabilities Office Memorandum and a landmark Delhi High Court ruling (*Dr. Sachin Kumar v. NIEPA & Ors.*), the Complainant argued that leaving reserved seats vacant under the guise of “none found suitable” without objective, pre-disclosed benchmarks or relaxed evaluation matrix parameters violates Section 34 of the RPwD Act, 2016, and Article 16 of the Constitution. Consequently, she sought an immediate review of RITES' recruitment practices, strict compliance with statutory provisions, and her specific appointment against vacancy number 65/23 with notional pay and seniority benefits.

2.2 The Complainant's counsel further submitted the precise structural mechanics of the current recruitment cycle (Vacancy No. RG 30/25), noting that two horizontal vacancies were advertised for the disability category, including one seat specifically earmarked under Category A (blindness and low vision). While general instructions mandated a minimum qualifying threshold of 45% in the written examination and 50% in the interview for PwD candidates, the Complainant successfully secured 60 out of 125 marks in the written test. However, during the interview stage, where the minimum qualifying cutoff was set at 20 out of 40 marks, the panel assigned her 18 marks, thereby causing her to miss the selection threshold by a mere two marks while leaving the reserved vacancy completely unfilled.

2.3 The counsel presented an identical trend across the preceding cycles, noting gaps of only two to three marks beneath the interview cutoff. He cited Clause 11 of the DoPT Office Memorandum No. 36035/02/2017-Estt.(Res) dated January 15, 2018, which mandates the relaxation of standards of suitability, explicitly dictating that if a sufficient number of benchmark disability candidates fail to meet general standards, the appointing authority possesses the discretionary power to lower the cutoff further to fill reserved seats, provided the candidate is not found fundamentally unfit for duty. This statutory position is reinforced by the Supreme Court in *National Federation of the Blind v. Madhya Pradesh High Court* (Para 62) and the Delhi High Court in *Munna Lal Yadav v. DEPwD* (W.P.(C) No. 7197/2021). Pointing out that a new vacancy notification had been issued on June

25, 2026, with an application deadline of July 22, 2026, the Complainant requested an expedited interim protection or a final directive before the active seat is permanently absorbed or filled through a fresh cycle.

2.4 During the proceedings, the Respondent No. 2, represented by Shri S. Mohanty, Executive Director (HR) and Chief People Officer for RITES Limited, submitted that the enterprise maintains strict adherence to institutional guidelines and uniform procedures. He explained that out of the cumulative evaluation matrix, the weightage distribution previously allocated 60% to the written test, 35% to the interview, and 5% to experience in 2023, which was subsequently modified in 2024 to eliminate the experience parameter, establishing a definitive 60% weightage for the written exam and a 40% weightage for the interview stage. The Respondent submitted that these recruitment rules are formally vetted and approved by a diverse Board of Directors, comprising functional, government, and independent directors. He argued that RITES Limited had already structurally embedded relaxed criteria for reserved categories, as general and OBC candidates require a 50% written threshold and a 60% interview threshold, whereas SC, ST, and PwD candidates enjoy a lowered 45% written threshold and a 50% interview threshold. He contended that because the Complainant failed to secure the minimum 20 marks out of 40 in the interview across all four distinct cycles, the respective interview panels, which were non-identical, varied in composition, and strictly included representatives from SC/ST, OBC, and women communities alongside external subject matter experts, unanimously evaluated her performance metrics as falling short of the standard proficiency levels required for an assistant manager. The interview parameters split the 40 marks into 30 marks for technical/professional proficiency and 10 marks for personal communication, and the final combined scores were evaluated completely independent of the written results to maintain absolute impartiality. The Respondent maintained that the vacancies went unfilled purely due to the candidate's inability to clear the board-approved minimum qualifying marks rather than any administrative deficiency or discriminatory exclusion.

3. Legal Framework

3.1 The Court evaluated the matter and observed a glaring and critical procedural omission on the part of the management, noting that while the interview panels consistently included community representatives for SC, ST, OBC, and women categories to protect institutional parity, not a single one of the four successive selection committees contained a representative or expert from the PwBD category. The Court remarked that when public sector entities diligently accommodate structural representation for every other protected social class but systematically exclude PwD experts from selection boards, it leads to a

fundamental lack of administrative empathy and an institutional failure to interpret active relaxation protocols accurately. Public sector undertakings cannot operate under the flawed assumption that their internal board-approved circulars or arbitrary interview cutoffs hold the legal potency to override, dilute, or circumvent central gazette notifications, binding DoPT memoranda, or definitive Supreme Court mandates governing employment entitlements for the disabled.

3.2 The mandatory inclusion of representatives from various protected social classes on Selection Boards and Interview Committees is strictly governed by the Department of Personnel and Training (DoPT) Office Memorandum No. 42011/2/2014-Estt.(Res) dated February 13, 2014 (which modified and consolidated previous directives, including OM No. 39016/7(s)/2006-Estt.(B) dated January 8, 2007). As highlighted by the Court, while public sector entities and government departments diligently accommodate structural representation for every other protected social class under the existing 2014 DoPT framework, they systematically exclude experts or representatives from the Persons with Benchmark Disabilities (PwBD) category from selection and interview boards. When selection panels completely lack a PwD expert, it results in a fundamental deficiency in administrative empathy and an institutional failure to interpret or apply active relaxation protocols accurately. Public sector undertakings and recruitment boards cannot operate fairly when the very demographic being assessed has zero structural representation during subjective evaluation stages like a viva-voce.

3.3 The statutory framework governing public employment explicitly mandates that public sector establishments and government departments must apply relaxed standards of suitability when evaluating candidates with benchmark disabilities. Under Rule 11 of the Rights of Persons with Disabilities Rules, 2017, which operationalizes the core tenets of equality and equal opportunity in employment under Sections 3 and 20 of the RPwD Act, 2016, the appropriate government and appointing authorities possess the clear statutory mandate and discretionary power to lower the qualifying thresholds and relax the standards of suitability in both written examinations and viva-voce stages. This relaxed standards clause is designed as an enabling bridge to prevent horizontal reservations from being frustrated or left unfilled under the administrative guise of "none found suitable". If a sufficient number of benchmark disability candidates fail to meet the general standard proficiency cutoffs, the establishment is legally bound to lower the evaluation matrix parameters by the required nominal fraction, provided the candidate is not found fundamentally unfit for the core duties of the post.

3.4 Therefore, in the present case, relying on rigid, board-approved minimum qualifying interview cutoffs to deny employment to a candidate who has demonstrated objective competence is ultra vires to the RPwD Rules, 2017. The

administration is legally obligated to exercise this relaxation protocol dynamically to ensure that the statutory reservation pool for categories like Specific Learning Disability (SLD) or visual impairment is completely filled and structurally preserved.

3.5 The Court highlighted the comprehensive legal framework under the Rights of Persons with Disabilities (RPwD) Act, 2016, and the Constitution of India which directly governs this dispute:

Article 16(1) – Equality of Opportunity in Public Employment

Guarantees equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State. In this case, leaving horizontally reserved seats vacant under the guise of “none found suitable,” without applying objective, relaxed evaluation parameters for candidates who have already proven their merit in written examinations, constitutes a direct violation of this equitable right.

Article 14 – Right to Equality

Prohibits the State from denying to any person equality before the law or the equal protection of the laws within the territory of India. The systemic, marginal disqualification of a highly qualified candidate at the subjective viva-voce stage across multiple cycles, combined with the structural exclusion of disability experts from selection panels, amounts to an arbitrary and discriminatory practice that fails the test of reasonable classification.

Section 34 of the Act – Mandatory Reservation in Public Employment

Mandates that every government establishment shall reserve a minimum percentage of its vacancies for persons with benchmark disabilities. The practice of systematically allowing these horizontal reservations to go completely unfilled or lapse by maintaining rigid, unyielding subjective thresholds runs entirely contrary to the legislative intent of this section.

Section 3 of the Act – Equality and Non-Discrimination

Explicitly mandates that no person with a disability shall be discriminated against on the ground of disability, ensuring they can lead a life of dignity. Denying a university gold-medalist and UGC-NET qualified scholar employment due to a minor, subjective fractional deficit in interview marks represents an institutional barrier border-lining on an orchestrated denial of equal opportunity.

Section 21 – Equal Opportunity Policy and Section 20 – Non-Discrimination in Employment:

Directs public sector entities and government establishments to cultivate a non-discriminatory environment and formally notify an Equal Opportunity Policy. Selection panels and assessment matrices must function as enabling bridges rather than administrative barriers, placing a binding obligation on

employers to provide reasonable accommodations during the evaluation phase.

3 . 6 The Court heavily relied upon a definitive line of landmark judicial precedents to counter the administrative practices of the Respondents and reinforce the statutory protections of the law:

In Re: Recruitment of Visually Impaired Candidates (Supreme Court, 2025):

The Hon'ble Supreme Court observed that the evaluation of disabled individuals in public recruitment processes cannot rest on a rigid, standardized format that ignores their distinct operational challenges. The apex court held that substantive equality demands a proactive institutional framework wherein public establishments are under a positive obligation to apply relaxed assessment standards and extend reasonable accommodation, so long as a candidate is not functionally unfit to perform the foundational job duties. Striking down exclusionary and rigid rules, the judgment established that relaxation is permitted for candidate cutoff marks, separate cutoffs are mandatory, and turning "suitability" into a subjective veto at the final stage undermines the legislative intent of the RPwD Act.

National Federation of the Blind v. Madhya Pradesh High Court (Para 62): *The Supreme Court of India established and reinforced the statutory position that the relevant appointing authorities possess the necessary discretionary and legal power to relax the standards of suitability for candidates with benchmark disabilities to ensure that reserved seats are successfully filled.*

Munna Lal Yadav v. DEPwD (W.P.(C) No. 7197/2021):

The Delhi High Court upheld this identical legal principle, reinforcing that the administration must actively implement relaxation protocols rather than allowing horizontal reservation seats for persons with disabilities to systematically go to waste under the rigid banner of "non-suitability".

4. Observation and Recommendation

4.1 The Court observed that the Complainant's robust academic credentials as a university gold medalist, an MBA holder, and a UGC NET-qualified scholar conclusively demonstrate her high baseline intelligence and professional competence, as evidenced by her consistent merit in passing four consecutive national-level written examinations. The striking and uniform recurrence of her disqualification exclusively at the subjective viva voce stage, and that too by marginal fractions of a mere two to two-and-a-half marks, strongly reflects a

restrictive approach by the selection panels, border-lining on an orchestrated denial of equal opportunity where reserved horizontal seats are allowed to systematically go to waste under the rigid banner of "non-suitability". A scribe or an interview panel must act as an enabling bridge, not an administrative barrier; where no competing visually challenged candidates are in the fray and the candidate has proven her mettle via objective testing, the failure of the management to exercise its statutory discretionary power to lower the interview cutoff by a nominal fraction constitutes a severe violation of Section 34 of the Act.

4.2 Accordingly, keeping in view the severe administrative urgency surrounding the impending recruitment cycle deadline of 22.07.2026, the Court accepted the Complainant's prayer for an expedited intervention and formally issued a binding legal recommendation advising both, Respondent 1 and Respondent 2, to treat the Complainant's case as a highly specialized occurrence. The management is recommended to actively apply the legally permissible relaxation of standards, lower the interview cutoff for the specific cycles by the required nominal fraction, and formally qualify the Complainant to award her the human resource placement she rightfully earned.

4.3 The Court strongly recommends that the Respondents establish uniform evaluation thresholds by aligning the interview qualifying marks with the written examination standards, fixing a unified minimum threshold of 45% for both stages for candidates with benchmark disabilities. In accordance with this relaxed evaluation framework and to prevent horizontal reservation seats from systematically going to waste, the management is recommended to immediately extend the opportunity of recruitment to the Complainant. The Respondents are advised to apply this 45% suggestion to the current selection parameters, lower the qualifying cutoff by the required nominal fraction, and formally award the Complainant the placement she has rightfully earned.

4.4 Subsequently, to rectify the systemic gap of exclusion of experts or representatives from the Persons with Benchmark Disabilities (PwBD) category from selection and interview boards, and permanently align human resource policies with the statutory mandates of the RPwD Act, 2016, the DoPT is recommended to immediately release a fresh, dedicated Office Memorandum / Circular making it legally mandatory to include at least one qualified PwD representative or subject-matter expert across all forthcoming interview panels and selection boards nationwide. Just as SC, ST, OBC, and women representatives are non-negotiable fixtures on recruitment committees to protect institutional parity, a PwD expert must be formally embedded to act as an enabling bridge, ensuring non-discriminatory, equitable, and empathetic assessment standards.

4.5 The Respondents are further advised to immediately place this matter

before its highest competent authority, implement the remedial measures smoothly, and submit a definitive compliance and Action Taken Report (ATR) to this Court on or before 15.07.2026, failing which the Commission will initiate immediate coercive legal proceedings. The Respondent No. 2 is recommended to mandate the inclusion of a qualified PwD representative or expert across all forthcoming interview and selection boards nationwide to permanently align its human resource policies with statutory mandates.

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

(Vikas Trivedi)

Dy. Chief Commissioner for Persons with Disabilities