



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.: 16475/1013/2026

In the matter of:

Complainant

Ms. Megha Joshi

Versus

Respondent(s)

1. The Senior Superintendent, Railway Mail Service, AM Division, Ahmedabad
2. The Professor & Head of the ENT Department Civil Hospital, Asarwa, Ahmedabad
3. The Resident Medical Officer, Civil Hospital, Asarwa

1. Gist of the Complaint

1.1 The Complainant, Ms. Megha Joshi, has submitted a formal grievance dated 09.06.2026 following the arbitrary cancellation of her appointment to the post of Sorting Assistant (Hearing Handicapped category) by the Senior Superintendent of the Railway Mail Service (RMS) 'AM' Division, Ahmedabad. The dispute stems from a sharp conflict between the candidate's official national credentials and subsequent localized pre-employment medical examinations. While the Complainant holds a valid Unique Disability ID (UDID) card certifying a 51% permanent hearing impairment, a mandatory screening at Civil Hospital, Asarwa, Ahmedabad, erroneously assessed her disability at just 28.3%, thereby declaring her ineligible for falling below the statutory 40% threshold. Conversely, an independent medical review conducted at General Hospital, Sola, Ahmedabad, explicitly declared her fit under the PwBD category, noting that her moderately severe hearing loss could be successfully accommodated with hearing aids.

1.2 Citing the divergent medical opinions, the Department of Posts cancelled her candidature on February 3, 2026, prompting the Complainant to seek legal intervention from the Court of Chief Commissioner for Persons with Disabilities (CCPD). In an effort to resolve the conceptual deadlock, the CCPD ordered a neutral, third-party evaluation by a medical board at AIIMS Rajkot. However, this directive stalled when AIIMS Rajkot formally communicated that, as a recently established institution, it lacks the vital sound-proof rooms and Brainstem Evoked Response Audiometry (BERA) facilities required to objectively verify her hearing loss percentage. Having faced over a year of immense professional uncertainty, financial hardship, and mental distress, the Complainant has submitted an urgent appeal to the Court. The complainant seeks an expeditious final decision to bypass further logistically delayed medical boards, accept the existing fitness findings from the Sola General Hospital, and direct the RMS Ahmedabad to immediately restore her selection and permit her to join her post.

2. Hearing (I)

2.1 A preliminary hearing was conducted in Diary No. DNO/26/CCPD/5688 on 20.02.2026 in hybrid mode, wherein the following parties/representatives were present:

S.No	Name and Designation of the attendees	On Behalf of
1	Ms. Megha Joshi	Complainant
2	Shri Piyush Rajak, SSRM Ahmedabad Division	Respondent 1
3	Dr. Ila Upadhya HOD ENT, Civil Hospital, Ahmedabad.	Respondent 2

3. Record of Proceedings

3.1 During the proceedings, the Complainant, Ms. Megha Joshi, challenged the cancellation of her appointment as a Civil Clerk by the Department of Posts (SSRM AM Division) through the Staff Selection Commission (SSC), alleging administrative harassment and inconsistent medical evaluations, and stating that despite possessing a valid UDID card certifying 51% hearing impairment, her joining was repeatedly delayed. The Respondent (SSRM) submitted that upon her selection, she was referred to Civil Hospital, Asarva, for a mandatory pre-appointment medical examination, where she was found ineligible under the PwBD category with a disability of 28.3%, and was thereafter referred to a second medical institution in the interest of natural justice.

3.2 The Civil Hospital maintained that, based on multiple audiometry tests, her disability was below the 40% threshold prescribed under the RPwD Act, 2016,

despite the UDID card reflecting 51%. The Court noted the significant discrepancy between the certified disability and the medical findings, terming it a potential conceptual flaw in the assessment process. Accordingly, after considering submissions of both parties, the Court decided to register this case. It also recommended obtaining a third independent medical opinion from AIIMS Rajkot to ensure neutrality, advising the constitution of a medical board within 30 days and submission of a confidential report in a sealed cover within 45 days.

4. Hearing (II)

4.1 A hearing was conducted on 16.06.2026 in hybrid mode, wherein the following parties/representatives were present:

S.No	Name and Designation of the attendees	On Behalf of
1	Ms. Megha Joshi	Complainant
2	Steno to SSRM Ahmedabad Division	Respondent 1
3	Dr. Ila Upadhy HOD ENT, Civil Hospital, Ahmedabad.	Respondent 2

4.2 However, the Respondents were represented by a junior official below the rank of a Group 'A' officer, who submitted that the Department required additional time to prepare and submit a comprehensive response. Noting that the presence of an officer of appropriate seniority was essential to address the complex medical discrepancies and administrative issues raised in the case, the Court observed that a conclusive review could not proceed effectively without the required technical submissions on record. Accordingly, the Court took a serious view of the lack of adequate senior representation, deferred the proceedings to ensure a fair opportunity for all sides, and recommended that the matter be put up for a formal hearing on a subsequent date with a mandate that a senior Group 'A' officer well-versed with the case remain present.

5. Hearing (III)

5.1 A hearing was conducted on 18.06.2026 in hybrid mode, wherein the following parties/representatives were present:

S.NO	NAME /DESIGNATION OF THE PARTY REPRESENTATIVE	PARTIES
1	Ms. Megha Joshi	Complainant
2	Shri Piyush Rajak, Senior Superintendent, Railway Mail Service, Ahmedabad	Respondent 1

3	Dr. Ila Upadhya HOD ENT, Civil Hospital, Ahmedabad.	Respondent 2
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6. Record of Proceedings

6.1 The Complainant, Ms. Megha Joshi, submitted a grievance dated 09.06.2026 contesting her employment-related verification process, which involves a major discrepancy concerning her clinical documentation. The Complainant possesses an official Unique Disability ID (UDID) certificate qualifying her with a 51% hearing disability. However, a subsequent evaluation conducted by the Department of Posts' initial medical panel certified her hearing impairment at only 28.3% without a hearing aid, thereby rendering her ineligible for statutory disability benefits and employment protections under standard norms. The Complainant raised allegations of procedural delays and expressed a lack of faith in the regional assessment process within Gujarat.

6.2 Respondent No. 1, the Senior Superintendent of Railway Mail Service (SSRM), Ahmedabad Division, Department of Posts, submitted that the department has strictly adhered to procedures and acts merely as an administrative recipient of expert clinical reports. He apprised the Court that, pursuant to earlier directives to seek an objective third opinion, his office wrote to the All India Institute of Medical Sciences (AIIMS), Rajkot. On June 8, 2026, the department received a reply from AIIMS Rajkot stating that due to its recent establishment, it currently lacks the infrastructural and logistical capacity to objectively verify complex hearing disabilities. This constraint was formally communicated to the Complainant and the Court on June 12, 2026. The representative from BJ Medical College (representing the ENT Head of Department/Medical Fraternity) subsequently checked active local logistics and informed the Court that while Surat lacks an audiologist, the Medical College and General Hospital, Baroda, possesses a functional soundproof room, operational Brainstem Evoked Response Audiometry (BERA) and Pure Tone Audiometry (PTA) facilities, and a qualified audiologist on active duty.

6.3 The Complainant requested that she be assessed at a neutral facility in New Delhi instead of Surat or Vadodara, stating that traveling to the capital would be highly feasible for her and would eliminate her concerns regarding potential institutional bias or localized delays. Respondent No. 1 explicitly stated that the Department of Posts has no objection to any neutral medical institution selected by the Court or preferred by the Complainant, as their primary goal is merely obtaining an accurate, authenticated verification.

7. Observation and Recommendation

7.1 The Court evaluated the matter and observed that because two active medical evaluations present completely contradictory findings (51% vs. 28.3%), an independent, highly objective third-party medical assessment is mandatory to resolve the impasse. The Court noted that a citizen's access to statutory safeguards cannot be left in limbo due to localized equipment shortages or institutional updates. To ensure absolute transparency, technical accuracy, and convenience to the Complainant, the Court determined that a neutral, apex medical establishment must be designated.

7.2 The Court also observe that the existence of two materially conflicting disability assessments raises a serious issue regarding the reliability and uniformity of the certification process. Since, recognition as a person with benchmark disability determines the Complainant's entitlement to statutory reservation in public employment under the RPwD Act, 2016, the dispute cannot be resolved on the basis of inconsistent medical opinions. In view of Sections 3, 20, 34 and 56–59 of the Act, read with the principles laid down in *Rajeev Kumar Gupta*, *Vikash Kumar* and *Jeeja Ghosh*, the dispute warrants an independent, scientifically robust and impartial medical assessment by a competent tertiary institution equipped with the requisite diagnostic facilities. Such an approach would uphold the principles of fairness, transparency, substantive equality and protection of the rights of persons with disabilities while ensuring that the Complainant's statutory entitlements are determined on the basis of an accurate and credible medical evaluation.

7.3. Accordingly, the Court advised that the formal arrangements to have the Complainant's hearing disability objectively assessed via specialized testing (including BERA and PTA) shall be at the premier central institution in New Delhi i.e. the All India Institute of Medical Sciences (AIIMS). Alternatively, the assessment can also be conducted at the Medical College, Vadodara as submitted by the Respondent 2 during the proceedings. The Complainant remains at liberty to choose either of the hospitals to avail their services as per her convenience.

7.4 Furthermore, Respondent No. 1 is recommended to facilitate the necessary administrative coordination and travel processing. The entire evaluation and reporting process must be fast-tracked to ensure a definitive conclusion without further delay. An Action Taken Report shall be submitted within 30 days from the date of receipt of this Order. Non-cognizance shall attract penal action u/s 93 of the RPWD Act, 2016.

8. Accordingly, the case is disposed of.

(S. Govindaraj)
Commissioner for Persons with Disabilities