



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
5वाँ तल, एन.आई.एस.डी. भवन, जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075 दूरभाष : (011) 20892364
5th Floor, N.I.S.D. Bhawan, G-2, Sector-10, Dwarka, New Delhi-110075; Tel.: (011) 20892364
Email: ccpd@nic.in; Website: www.ccpd.nic.in

Case No.: CCPD-AD-0022/2026

In the matter of:

Complainant

Shri Jude Vishal A

Versus

Respondent(s)

- (1) The Secretary, Railway Board
- (2) The General Manager, Southern Railway

1. Gist of the Case:

1.1 The Complainant, Mr. Jude Vishal A. (represented by his father Mr. Anthony I.), submitted a formal grievance, dated 28.09.2025, in previous Diary No: 4815/2025 challenging his systemic exclusion from the Railway Recruitment Boards' centralized recruitment notification (CEN 08/2024; dated 22.01.2025) advertising 32,428 Level-1 vacancies. Holder of a valid disability certificate indicating a 40% permanent Specific Learning Disability (SLD), the Complainant was forced to apply under the open category because the online registration portal entirely omitted the SLD category from its eligibility dropdown, ultimately leading to an automated pop-up declaring him ineligible when attempting to choose Level-1 posts like Assistant Workshop in Southern Railway.

1.2. While the Complainant argues that these entry-level helper positions are explicitly identified as suitable for individuals with SLD under the central DEPwD Gazette Notification dated 04.01.2021, the Ministry of Railways (Respondent No. 1) and Southern Railway (Respondent No. 2) countered that the hazardous operational environments of these roles, such as working on active open lines and boarding moving coaches, render them functionally unsuitable for candidates with learning disabilities under internal departmental circulars.

2. Hearing (I)

2.1 A preliminary hearing was conducted in Diary No. D.No/25/CCPD/4815 on 07.11.2025 in hybrid mode, wherein the following parties/representatives were present:

S.NO	NAME /DESIGNATION OF THE PARTY	REPRESENTATIVE OF
1	Mr. Jude Vishal A (represented by his father Mr. Anthony)	Complainant
2	Adv. Carolyn	Complainant
3	Shri Rajiv Singh, Additional Secretary	Respondent 1
4	Shri Prakash, Dy CPO	Respondent 1
5	Smt. Jaya Varma Sinha, Chairman & CEO	Respondent 2
6	Shri J.N. Singh, Member Secy	Respondent 2

3. Record of Proceedings

3.1 The Respondent No. 1, represented by Shri Rajiv Singh, Additional Secretary, along with representatives from Southern Railway and RRB Chennai, submitted that the Ministry of Railways had strictly complied with the statutory 4% aggregate reservation across other benchmark categories, including locomotor, multiple, and hearing disabilities. The Respondent argued that certain Level-1 field categories, such as track maintainers and assistants, are explicitly exempted due to the hazardous operational environments involved. The Railway Board further contended that the 14 sub-categories of Level-1 helper roles across the mechanical, electrical, signalling, and telecommunication engineering wings require staff to physically board moving coaches, navigate steep steps, climb rail wagons, and work directly on active open lines to assist technicians during emergency failures. The Respondent maintained that based on internal departmental circulars, these specific dynamic operational constraints rendered the advertised Level-1 posts functionally unsuitable for candidates possessing learning disabilities.

3.2 The Court evaluated the preliminary submissions and expressed strong dissatisfaction with the standalone rationale presented by the Railway Board. The Court observed that internal departmental circulars do not constitute a legally competent instrument to subtract or erase entire benchmark categories established under Section 34 of the Rights of Persons with Disabilities (RPwD) Act, 2016. Any exclusion or wholesale organizational exemption from statutory reservation can only be executed through a formal Gazette Notification issued by the Central Government in active, prior consultation with the Chief Commissioner.

Furthermore, the Court highlighted that Note 2, Note 3, and Note 8 of the expert committee recommendations in the benchmark 04.01.2021 Gazette Notification explicitly declare that the list of identified posts is non-exhaustive, and single establishments can only expand upon, rather than reduce, the statutory list based on proper functional training.

3.3 The Court remarked that the term "Specific Learning Disability" cannot be used as a blanket administrative rationale to label candidates as fundamentally unfit for basic helper and assistant roles, which are performed under the direct, continuous guidance of immediate technical superiors. The description of the work indicates that it primarily involves assisting technicians by handling tools upon demand, a set of tasks that an individual with SLD can completely master and execute safely if provided with structured institutional training. Finding the management's generic assertions regarding functional unsuitability completely unconvincing, the Court determined that the matter warrants deep, systemic legal scrutiny to establish an equitable administrative model for entry-level public employment.

3.4 No written response from the Respondents was received in the matter post the proceedings.

4. Hearing (II)

4.1 A hearing 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	Shri Jude Vishal A	Complainant
2	Mr. Anthony I.	Complainant
3	Shri U. K. Tiwari, Director of Establishment	Respondent 2

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

5. Record of Proceedings

5.1 During the proceedings, Respondent No. 1, represented by Shri U. K. Tiwari, Director of Establishment, Railway Board, submitted that the Ministry of Railways has since initiated a fresh comprehensive identification exercise in collaboration with the DEPwD to re-evaluate operational profiles across its extensive network. He argued that the advertised vacancies involve highly operational, sensitive, and hazardous track-side profiles, such as track maintainers, which require workers to patrol live running lines, work in isolated sectors, and

execute duties under low-light or adverse foggy conditions. The Director submitted that because over 500 general track maintainers had tragically lost their lives during active line maintenance in recent years, the administration maintains a strict policy bar against deploying persons with disabilities to these specific high-risk configurations. The Respondent noted that while the 2025 cycle is currently sub-judice before the Central Administrative Tribunal (CAT) Principal Bench under separate petitions, the 2024 recruitment process is already functionally complete with examinations concluded and results finalized. The bank of positions, therefore, was withheld from the SLD category based on the administrative safety assessments of the Board.

5.2 The Complainant's representative contested that the current case challenges the systemic exclusion of the Specific Learning Disability (SLD) category from the 2024 centralized recruitment notification for Level-1 posts. He pointed out that under Serial Number 1399 (Page No. 2341) of the definitive central Department of Empowerment of Persons with Disabilities (DEPwD) Gazette Notification dated 04.01. 2021, Level-1 helper roles are explicitly designated as suitable and accessible for individuals with SLD. He submitted that the official job description outlines tasks involving manual labor, shifting of equipment in the field or campus, and other general assisting works that carry no prohibition against SLD candidates. The representative presented an official Right to Information (RTI) response from the DEPwD, which conclusively establishes that the Ministry of Railways has not been granted any valid statutory exemption or exclusionary waiver for these entry-level posts.

6. Observation and Recommendation

6.1 The Court evaluated the matter and expressed strong dissatisfaction with the persistent reliance of the Railway Board on internal apprehensions and safety metrics to defend the total omission of a legally recognized disability category. The Court observed that while the operational hazards described by the Director are fully appreciated, an entry-level Level-1 helper role does not constitute an autonomous, high-level supervisory or independent deployment. These positions are structurally designed as supporting profiles where an assistant works under the continuous guidance and companionship of senior technicians or expert supervisors, rendering generic assumptions of technical incompetence completely inapplicable.

6.2 As noted in paragraph 3.2 of this order, in the absence of an active, legally validated exemption order, the categorical exclusion of SLD candidates from an entire employment notification amount to localized discrimination and a direct violation of the law. The Court made it clear that verbal assertions regarding an ongoing internal study carry no legal weight to dilute active statutory mandates.

6.3 The Court emphasised that Specific Learning Disability (SLD) is a neurodevelopmental condition that affects an individual's ability to process, retain, or express information efficiently, despite possessing average or above-average intellectual capabilities. According to the World Health Organization's International Classification of Diseases, 11th Revision (ICD-11), these conditions are recognized as developmental learning disorders characterized by significant and persistent difficulties in learning academic skills, such as reading (dyslexia), writing (dysgraphia), or arithmetic (dyscalculia). The impact of SLD varies from person to person but typically manifests as difficulties in rapid information processing, calculating complex numerical values, or interpreting dense textual data. However, SLD does not compromise an individual's core cognitive intelligence, motor skills, or physical capabilities, meaning its impact is strictly limited to specific academic and cognitive domains rather than overall functional execution.

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

Section 34(1) – Mandatory 4% Reservation:

Mandates that every government establishment shall reserve a minimum of 4% of its vacancies for persons with benchmark disabilities, with Clause (d) explicitly including "specific learning disabilities" within this statutory mandate.

Provision to Section 34(1) – Strict Exemption Mechanism:

Dictates that any wholesale exemption of an establishment or specific posts from the reservation pool can only be executed by the Central Government via a formal Notification in the Official Gazette, issued in active, prior consultation with the Chief Commissioner. Internal departmental circulars hold no legal competence to subtract statutory rights.

Section 3 – Equality and Non-Discrimination:

Mandates that no person with a disability shall be discriminated against on the ground of disability, unless it can be shown that the impugned act is a proportionate means of achieving a legitimate aim.

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

Directs every government establishment to provide a non-discriminatory working environment and notify an Equal Opportunity Policy. This statutory framework requires employers to actively provide "reasonable accommodation" and institutional training rather than relying on generic assumptions of unsuitability to flatly deny entry-level opportunities.

6.5 To ensure constitutional equality and non-discrimination under the Rights of

Persons with Disabilities (RPwD) Act, 2016, individuals with SLD must be treated at par with others. Public sector establishments are legally obligated to extend the mandate of reasonable accommodation, adapting training frameworks to support neurodivergent candidates instead of relying on restrictive internal safety circulars to deny them employment opportunities. Evaluating candidates based on their actual physical fitness and functional competence to perform the duties of an assistant ensures that statutory reservation rights are fully realized without compromising organizational safety.

6.6 The Court further evaluated the statutory mechanism established by the central expert committees, which is earlier highlighted in paragraph 3.2 of this order. The description of the work indicates that Level-1 entry-level roles primarily involve assisting technicians by handling tools upon demand under direct, continuous supervision. Because these roles do not demand autonomous technical calculations, any blanket exclusion based on dyslexia or dyscalculia is rendered legally invalid. This statutory position is heavily reinforced by a long line of Supreme Court judicial precedents:

Vikash Kumar v. Union Public Service Commission (2021)

Held that "reasonable accommodation" is a foundational component of equality under Articles 14 and 16 of the Constitution, and that the state bears an active obligation to adapt its machinery and provide structured institutional training rather than relying on generic assumptions of unsuitability to deny opportunity.

National Federation of the Blind v. Union of India (2013)

Established that the computation of disability reservations must be calculated against the total cadre strength (aggregate vacancies across the establishment) and not just isolated slots. Consequently, the Ministry of Railways cannot cite operational hazards in specific field sub-categories (like Track Maintainers) to justify a blanket omission of SLD reservation across all 32,428 Level-1 vacancies. The total pool of vacancies must reflect the statutory reservation, and the administration bears the responsibility to distribute and accommodate qualified candidates in identified, non-hazardous alternative profiles within that cadre.

Justice Sunanda Bhandare Foundation v. Union of India (2014)

Ruled that the benefits of social welfare legislation for persons with disabilities cannot be frustrated, delayed, or watered down by internal administrative circulars, guidelines, or executive apathy.

6.7 Accordingly, in light of the statutory guarantees under the Rights of Persons with Disabilities Act, 2016, and the explicit identification under Serial Number 1399

of the 04.01.2021 Gazette Notification, the Court formally issues a binding legal recommendation advising the Ministry of Railways and the Railway Board to immediately halt the absolute omission of Specific Learning Disability (SLD) quotas across the 32,428 Level-1 vacancies. The Respondent is advised to submit a comprehensive, granular breakdown of all 14 sub-categories of Level-1 helper roles, isolating stationary, workshop, and low-risk assistant roles from exempted active open-line field duties.

6.8 The Respondents are further advised to withdraw absolute reliance on internal departmental circulars that run ultra vires to Section 34(1) of the Rights of Persons with Disabilities (RPwD) Act, 2016. The Ministry of Railways is advised to formulate a structured institutional induction and functional safety training framework to effectively accommodate SLD candidates under direct, continuous technical supervision. Crucially, if any active recruitment cycle, such as the current 2026 recruitment process, is presently underway, the Respondents are recommended to immediately accommodate and explicitly include the Specific Learning Disability (SLD) category within the benchmark PwD reservation pool, ensuring that their statutory rights are fully integrated before releasing the final results for the same. It is to be noted that this mandate shall apply progressively to all future recruitment cycles as well, ensuring permanent systemic inclusion.

6.9 Subsequently, the Respondents are recommended to submit a detailed written Action Taken Report along with relevant operational data/ office circulars adhering to the abovementioned recommendations to this Court within thirty (30) days, from the date of receipt of this Order, to ensure the equitable restoration of the statutory rights of the Specific Learning Disability category. Failure to comply with these recommendations within the stipulated timeline may compel this Court to initiate appropriate legal action against the defaulting authorities as per the penal provisions enshrined under Sections 89 and 93 of the Act.

7. Accordingly, the case is disposed of.

(S. Govindaraj)
Commissioner for Persons with Disabilities