



सत्यमेव जयते

न्यायालय मुख्य आयुक्त दिव्यांगजन

COURT OF 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/14176/1011/2023

In the matter of:

Complainant:

Shri Sanyam Saini

Respondent(s):

1. The Joint Secretary, Staff Selection Commission (SSC HQ)
2. The Secretary, Ministry of Electronics and Information Technology
3. The Comptroller and Auditor General of India (CAG)

RECORD OF PROCEEDINGS

1. **Hearing:** A hybrid hearing in the matter was conducted on 06.04.2026 wherein the following were present :

Sl. No.	Name & Designation of the Attendees (Smt./Shri)	On behalf of	Mode of Presence
1.	Sanyam Saini	Complainant	Offline
2.	Adv. Rajan Mani, Counsel	Complainant	Online
3.	Z. Samte, Under Secretary, SSC HQ Sanjay Kashyap, Under Secretary, SSC HQ	Respondent No.1	Online
4.	P Victor Albuquerque, Deputy Secretary	Respondent No.2	Online
5.	Adv. Arun Sanwal, Counsel	Respondent No.3	Online

2. Proceedings during the hearing:

2.1 Advocate Rajan Mani, appearing on behalf of the Complainant, explained that the Complainant is a person with multiple disabilities, including motor sensory neuropathy affecting both the upper and lower limbs to some extent, along with certain degree of hearing loss.

2.2 He appeared in the SSC Combined Graduate Level Examination, 2021 without the assistance of a scribe, performed well, and secured a position in the merit list. Based on which he was recommended for appointment to the post of Assistant Audit Officer / Assistant Accounts Officer (AAO) in the office of the CAG under the Multiple Disabilities (Category 8) quota.

2.3 However, at the stage of document verification, SSC/CAG declared him ineligible. The reason given was that his disability certificate records his condition as "BLA" (Both Legs & Arms affected), whereas, as per the DoP&T notification dated 04.01.2021, the AAO post is identified as suitable only for candidates falling under the OA/OL/BL categories.

2.4 It was argued that this approach is "overly rigid. The actual functional requirements of the AAO post such as sitting, standing, walking, use of fingers, and vision are well within the Complainant's abilities. In fact, he is already serving in a feeder post within the same department and has been performing his duties satisfactorily.

2.5 It was also pointed out that two AAO vacancies have remained unfilled. In these circumstances, denying him appointment based on a narrow reading of the identification of disability list runs contrary to the spirit and provisions of the RPwD Act, 2016, as well as established judicial principles relating to horizontal reservation and the need for functional, rather than purely categorical, assessment.

2.6 Adv. Arun Sanwal, appearing for CAG, stated that he received instructions only a few hours before the hearing and had not received the complaint copy or complete file. He requested time to file a proper reply after examining the records.

2.7 The Court noted that the central issue in the case is the narrow

interpretation of the PwBD identification list, which led to the denial of appointment to a candidate who had been duly recommended under the Multiple Disabilities category, despite being functionally capable and despite the existence of unfilled vacancies.

2.8 It observed that the matter cannot be decided without a closer and more detailed examination. This would include reviewing the requisition sent by the CAG, the applicable identification list, the actual functional requirements of the post, and the Complainant's disability certificate in light of his functional abilities.

2.9 In these circumstances, the Court held that the CAG should be given a fair opportunity to place its position on record by filing a formal and comprehensive response.

2.10 The Court issued the following Recommendations:

- i) Advocate Rajan Mani is required to provide Advocate Arun Sanwal with a copy of the written submissions, along with all relevant documents that have already been placed on record before the Court.
- ii) The Comptroller and Auditor General of India has been recommended to file a detailed reply within a period of 15 days. This reply must specifically address the requisition issued for the AAO posts and the categories identified therein, the reasons for not considering the Complainant under the Multiple Disabilities category, and an assessment of both the functional requirements of the post and the Complainant's suitability in that context.
- iii) The Court also made it clear that if the CAG fails to appear or does not file its reply by the next date, it will proceed to pass appropriate orders based on the material already available on record.


(Ipsita Mitra)

Dy. Chief Commissioner