



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/14671/1011/2023

In the matter of —

Shri Nishu Kumar

... Complainant

Versus

The Chairman & Managing Director,
 State Bank of India

... Respondent

1. Gist of the Case:

1.1 Shri Nishu Kumar, a person with a benchmark disability, filed a Complaint dated 21/11/2023 regarding the exclusion of his disability subcategory from eligibility in the State Bank of India recruitment for Junior Associates (Customer Support & Sales) / Clerks, Advertisement No. CRPD/CR/2023-24/27 with 8283 vacancies, including 94 for the OH-LD category.

1.2 The facts relating to the complaint arose in the SBI recruitment process announced on 17/11/2023 (online registration from 17/11/2023 to 07/12/2023), where his subcategory was not mentioned, unlike the previous year's advertisement (CRPD/CR/2022-23/15) with around 5000 vacancies, leading to the denial of the application opportunity despite meeting the functional requirements.

1.3 Relief sought includes justifying the exclusion, making provisions for his subcategory in the ongoing recruitment, and ensuring compliance with the Rights of Persons with Disabilities Act, 2016, to prevent violation

and provide equal opportunities.

2. Notice issued to the Respondents:

2.1 In exercise of the powers conferred u/s 75 & 77 of the Rights of Persons with Disabilities Act, 2016 [hereinafter referred to as “the Act”], a notice dated 06/12/2023 was issued for violation under sections 3, 20, 33, 34 of the Act to the abovementioned respondents for forwarding to this Court comments on affidavit on the complaint within the statutory time limit.

3. Reply filed by the Respondents:

3.1 Respondent No.1 filed a reply dated 30/12/2023, justifying the subcategory exclusion based on Gazette Notification dated 07/01/2021 (CG-DL-E-13012021-224370), which identifies the post suitable only for OA, BA, OL, and BL under LD, not OAL, and denying violations.

4. Notice to Complainant for Rejoinder:

4.1 A copy of the reply filed by Respondent No.1 was forwarded to the Complainant vide letter dated 05/01/2024 for filing his rejoinder within 15 days. However, no response has been received so far.

5. Hearing (I):

5.1 A hearing was conducted on 16.12.2025 in the hybrid mode wherein following were present :

Sl. No.	Name & Designation of the Attendees (Smt./Shri)	On behalf of	Mode of Presence
1.	Nishu Kumar	Complainant	Online
2.	M. Uday Krishna (AGM, SBI)	Respondent	Online

5.2 During the hearing, the Complainant reiterated that in recruitment processes prior to 2021, the subcategory of One Arm and One Leg (OAL) was included under the Locomotor Disability category for clerical posts in SBI. However, following the Gazette Notification dated 04.01.2021, issued by the Department of Empowerment of Persons with Disabilities, the OAL subcategory was excluded from the list of

disabilities identified as suitable for the post of SBI Clerk. It was contended that such exclusion has curtailed opportunities for candidates belonging to the OAL subcategory, despite their functional suitability for clerical duties. The Complainant submitted that although he is presently employed, he has pursued the matter in the interest of similarly placed candidates.

5.3 The Respondent submitted that the subcategories of disability mentioned in the recruitment advertisement were strictly in accordance with the Gazette Notification dated 04.01.2021, which identifies the post of bank clerk as suitable only for OA, BA, OL, and BL under the category of Locomotor Disability, and does not include OAL. It was stated that there was no deviation from the notified list.

6. Observation and Recommendations:

6.1 Upon consideration, it was observed that the Gazette Notification itself clarifies that the list of identified posts is not exhaustive and that employers may identify additional suitable categories based on functional classification and the nature of duties attached to the post. It was further observed that disability in the nature of One Arm and One Leg (OAL) does not, in the contemporary context, inherently disqualify a person from performing clerical duties, particularly with the availability of assistive devices such as wheelchairs and motorised mobility support. Prolonged exclusion of a subcategory without functional reassessment raises concerns of an unduly restrictive interpretation that may defeat the mandate of Section 34 of the Rights of Persons with Disabilities Act, 2016.

6.2. Upon perusal of the complaint dated 21.11.2023, the reply dated 30.12.2023, and the submissions made during the hearing, it is observed that exclusion of the OAL subcategory in SBI Clerk recruitment (Advertisement No. CRPD/CR/2023-24/27) was based on literal adherence to the Gazette Notification dated 04.01.2021 issued by the Department of Empowerment of Persons with Disabilities. While the notification is binding, paragraph 3 thereof clarifies that the list is not exhaustive and that additional posts or categories may be identified as suitable by the employer based on functional assessment and job requirements.

6.3 Clerical duties attached to the post of Junior Associate do not inherently exclude candidates with OAL disability, particularly where reasonable accommodation and modern assistive devices are available. A restrictive interpretation, without undertaking periodic functional reassessment, would run contrary to Section 20 (non-discrimination in employment) and Section 34 (reservation) of the Rights of Persons with Disabilities Act, 2016, read with the applicable guidelines on identification of posts.

6.4 This continued exclusion of the OAL subcategory has the effect of limiting opportunities for eligible candidates. It is also noted that the list of identified posts requires periodic review (every three years) under Section 33 of the Rights of Persons with Disabilities Act 2016.

6.5 It is recommended that the State Bank of India shall undertake a functional assessment of the post of Junior Associate (Clerical Cadre) and reconsider inclusion of the OAL subcategory in future recruitment advertisements, unless the post is found to be objectively unsuitable, in which case detailed reasons shall be recorded. The exclusion of a post can be done only in consultation with the Department of Empowerment of Persons with Disabilities.

6.6 The Respondent shall furnish details of vacancies reserved for Persons with Benchmark Disabilities in recent recruitment cycles, indicating subcategory-wise break-up and backlog position, within 30 days from the date of receipt of this order.

6.7 The Respondents shall submit Action Taken Report within a period of three months in terms of Section 76 of the Rights of Persons with Disabilities Act, 2016. Failure to comply may attract consequences under Sections 89 and 93 of the Act.

7. Accordingly, the case is disposed of.

(S. Govindaraj)
Commissioner for Persons with Disabilities