



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.ccdisabilities.nic.in

Case No: 14208/1014/2023

In the Matter of

Complainant(s)

1. Shri Arnav Richhariya
2. Mr. Saddam Hussain

Versus

Respondent(s)

1. The Commissioner, Kendriya Vidyalaya Sangathan
2. The Secretary, Central Board of Secondary Education

1. Hearing

1.1. A hearing was conducted on 04.06.2026 in hybrid mode, wherein the following parties/representatives were present:

Sl. No.	Name of the Parties / Representatives	On Behalf of
1.	Shri Ravi Dutt	Complainant
2.	Shri Vikas Arora, Joint Secretary, CBSE	Respondent
3.	Shri Abhishek Sharma, Assistant Commissioner	Respondent

2. Record of Proceedings

2.1 The Complainants (represented by Mr. Ravi Dutt) submitted that they were subjected to discrimination, structural non-implementation of reservations, and a

denial of equal opportunities during the recruitment process conducted by the Respondents. They raised two core grievances: first, the non-provision of the legally mandated 4% reservation for Persons with Benchmark Disabilities (PwBD) as passed by the Parliament under the Rights of Persons with Disabilities Act, 2016, alleging that only 3% reservation was historically allocated; and second, the failure to provide compensatory extra time during the skill test (typing test) for visually impaired candidates, which severely disadvantaged them and prevented them from meeting the final selection cut-offs despite scoring high marks in the main examination. The Complainants requested the Court to direct the conduction of a fresh typing test with the provision of compensatory time and to ensure their rightful appointment.

2.2 During the proceedings, the representative of the Respondent 1 (KVS) submitted that the matter regarding the upward revision of reservation from 3% to 4% had remained sub-judice for the last few years. However, pursuant to recent court interventions, KVS has successfully reworked and calculated all fresh and backlog vacancies at the mandated 4% threshold as per the statutory guidelines. It was submitted that these vacancies have been formally communicated to the recruiting agency and will be published in the upcoming recruitment cycle very shortly. Regarding the second issue, the Respondent 1, supported by the Respondent 2 (CBSE), drew the attention of the Court to the DoPT Office Memorandum (OM) dated 28.11.2022, arguing that while exemptions from typing tests are available for candidates medically certified as unable to type, the regulations do not explicitly outline provisions for additional time or exemptions specifically for visually or hearing-impaired categories during skill tests, as extra time provisions were advertised only in relation to the written examination.

2.3 The Court observed that ensuring equal opportunity and lawful empowerment of persons with disabilities is a statutory obligation that cannot be defeated by narrow administrative interpretations. It expressed serious concern over the Respondents' failure to provide compensatory extra time to visually impaired candidates during the typing test. The Court noted that persons with visual impairment use alternative methods, such as Braille and tactile interfaces, which require additional time. Subjecting them to the same time limits as other candidates without reasonable accommodation undermines substantive equality. Such denial is contrary to the principles of equity and the provisions of the Rights of Persons with Disabilities Act, 2016.

2.4 The Court further observed that the Allocation of Business Rules, 1961

provides that the Department of Empowerment of Persons with Disabilities (Divyangjan) shall be the nodal Department for the overall policy, planning and coordination of programmes for Persons with Disabilities. Department of Empowerment of Persons with Disabilities (DEPWD) as the nodal central Ministry for safeguards disability rights, including the formulation of scribe. Therefore, recruitment agencies and administrative bodies cannot limit their scope of compliance merely to general DoP&T circulars while completely ignoring specific, statutory DEPWD guidelines (such as the OM dated 10.08.2022). The Court observed that administrative oversight or delayed corrective action should not inadvertently prejudice the rights and opportunities of candidates belonging to marginalized groups. It emphasized the importance of ensuring compliance with the applicable legal provisions at the appropriate stage of the recruitment process, as subsequent corrective measures may not always fully address the impact on the affected candidates.

2 . 5 In view of the foregoing, the Court advised and recommended the Respondent 1 and Respondent 2 to align their recruitment, testing, and evaluation frameworks strictly with the holistic mandates of the Rights of Persons with Disabilities Act, 2016 and all relevant DEPWD circulars to guarantee that appropriate relaxations, compensatory timelines, and accessibility aids are integrated seamlessly into all phases of public examinations.

2.6 The Respondent 1 was recommended to submit (on an affidavit) within 15 days from the date of receipt of this Interim Order, explicitly affirming that the organisation shall strictly adhere to and implement all statutory guidelines issued by the DEPWD and the RPwD Act, 2016 across all future administrative processes, including advertisements, examinations, admissions, and promotional exercises.

2.7 Accordingly, the hearing is adjourned to be held on **10.08.2026**.

Ipsita Mitra
22.7.26
(Ipsita Mitra)

Dy. Chief Commissioner

