



सत्यमेव जयते
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-OF-0031/1011/2026

In the Matter of

Complainant

Smt. Ranju Lata Soni

Versus

Respondent(s)

1. The Secretary, Railway Board
2. The Chairman and Managing Director, RITES Limited
3. The Secretary, Department of Personnel and Training (DoPT), Ministry of Personnel, Public Grievances and Pensions

1. Background of the Case

1.1 The Complainant, Smt. Ranju Lata Soni, a person with benchmark disability (40% permanent visual impairment, Low Vision) had submitted a grievance dated 23.06.2026 alleging systemic discrimination by RITES Limited and the Railway Board. Despite being a gold-medalist MBA graduate, UGC-NET qualified, and having cleared written examinations across four recruitment cycles for the posts of Junior Manager (HR)/Assistant Manager (HR), in those four consecutive recruitment cycles she was not selected as she narrowly fell short of the minimum qualifying marks prescribed for the interview. She submits that despite the reserved vacancy earmarked for candidates belonging to the blindness and low vision category remaining unfilled over successive recruitment cycles, the appointing authority failed to invoke the power available under Clause 11 of the Office Memorandum dated 15.01.2018 issued by the Department of Personnel and Training for relaxation of the standard of suitability. The Complainant further alleges that the continued non-filling of the reserved vacancy defeats the object of reservation under the Rights of Persons with Disabilities Act, 2016 and results in

denial of substantive equality.

2. Notice of Admissibility

2.1 A Notice dated 02.07.2026 under sections 75 & 77 of the Rights of Persons with Disabilities Act, 2016 (RPwD Act, 2016) was issued to the above-mentioned respondent for a hearing on 06.07.2026 in Hybrid mode to determine the admissibility of the case and find out if this can be resolved without a quasi-judicial intervention of this Court.

3. Hearing I

3.1. A preliminary hearing was conducted, in Case No: CCPD-AD-0068/2026, on 06.07.2026 in hybrid mode, wherein the following parties/representatives were present:

S.NO	NAME /DESIGNATION OF THE PARTY	REPRESENTATIVE OF
1	Smt. Ranju Lata Soni	Complainant
2	Adv. Rahul Bajaj	Counsel for Complainant
3	Shri S. Mohanty, Executive Director (HR)	Respondent 2

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

4. Record of Proceedings

4.1 The Complainant's counsel submitted the precise structural mechanics of the current recruitment cycle (Vacancy No. RG 30/25), noting that two horizontal vacancies were advertised for the disability category, including one seat specifically earmarked under Category A (blindness and low vision). While general instructions mandated a minimum qualifying threshold of 45% in the written examination and 50% in the interview for PwD candidates, the Complainant successfully secured 60 out of 125 marks in the written test. However, during the interview stage, where the minimum qualifying cutoff was set at 20 out of 40 marks, the panel assigned her 18 marks, thereby causing her to miss the selection threshold by a mere two marks while leaving the reserved vacancy completely unfilled.

4.2 The learned counsel presented an identical trend across the preceding cycles, noting gaps of only two to three marks beneath the interview cutoff. He cited Clause 11 of the DoPT Office Memorandum No. 36035/02/2017-Estt.(Res)

dated January 15, 2018, which mandates the relaxation of standards of suitability, explicitly dictating that if a sufficient number of benchmark disability candidates fail to meet general standards, the appointing authority possesses the discretionary power to lower the cutoff further to fill reserved seats, provided the candidate is not found fundamentally unfit for duty. This statutory position is reinforced by the Supreme Court in *National Federation of the Blind v. Madhya Pradesh High Court* (Para 62) and the Delhi High Court in *Munna Lal Yadav v. DEPwD* (W.P.(C) No. 7197/2021). Pointing out that a new vacancy notification had been issued on June 25, 2026, with an application deadline of July 22, 2026, the Complainant requested an expedited interim protection or a final directive before the active seat is permanently absorbed or filled through a fresh cycle.

4.3 During the proceedings, Respondent No. 2, represented by Shri S. Mohanty, Executive Director (HR) and Chief People Officer, RITES Limited, submitted that the recruitment process was conducted strictly in accordance with the approved recruitment policy. He explained that in 2023, the selection process carried 60% weightage for the written test, 35% for the interview, and 5% for experience. However, from 2024 onwards, the experience component was removed, and the selection process was revised to 60% weightage for the written examination and 40% for the interview. He further submitted that these recruitment rules were approved by the Board of Directors. The Respondent stated that relaxation had already been provided to reserved category candidates, including persons with benchmark disabilities (PwBD), by prescribing lower qualifying marks. While General and OBC candidates were required to secure 50% in the written examination and 60% in the interview, SC, ST and PwBD candidates were required to secure only 45% in the written examination and 50% in the interview.

4.4 The Respondent further submitted that the Complainant appeared in four recruitment cycles but failed to obtain the minimum 20 out of 40 marks required in the interview on each occasion. He stated that different interview boards were constituted for each recruitment cycle, comprising representatives from SC/ST, OBC and women categories, along with external subject experts. The interview assessed 30 marks for technical/professional knowledge and 10 marks for communication skills, and the interview performance was evaluated independently of the written examination. According to the Respondent, the vacancies remained unfilled because the Complainant did not secure the minimum qualifying marks in the interview and not due to any discrimination or procedural irregularity.

5. Observations of the Preliminary Record of Proceedings

5.1 The Court observed that the Complainant had an excellent academic record and had repeatedly qualified the national-level written examination, demonstrating her competence. However, her repeated rejection by narrow margins only at the interview stage suggested that the "non-suitability" standard had been applied too rigidly, defeating the purpose of horizontal reservation for persons with benchmark disabilities. The Court further observed that the Respondents had not exercised their discretion to provide reasonable relaxation in interview qualifying marks under Section 34 of the RPwD Act, 2016. Accordingly, the Court recommended that the Complainant be granted appropriate relaxation in the interview qualifying marks and be offered appointment. It also recommended adopting a uniform 45% qualifying benchmark for both the written examination and interview for PwBD candidates, ensuring the inclusion of a qualified PwD representative or expert on all interview boards through a DoPT Office Memorandum, and recommended the Respondents to implement these recommendations and submit an Action Taken Report (ATR) by 15.07.2026. The Court also impleaded the Secretary, Department of Personnel and Training (DoPT), Ministry of Personnel, Public Grievances and Pensions, as a Respondent in the case.

6. Respondent's Submission

6.1 In its reply dated 15.07.2026, the Respondent submitted that although the Complainant was granted all applicable relaxations available to candidates with benchmark disabilities at the written examination stage and had qualified under the relaxed standards, she failed to secure the prescribed qualifying marks in the interview and was therefore not found suitable for selection. It was further contended that interview assessment is conducted in accordance with Railway Board guidelines through a structured evaluation process based on technical knowledge, professional proficiency, communication, and competency, with independent assessment by the interview board, leaving no scope for arbitrariness. The Respondent also stated that continuous efforts are made to fill reserved vacancies, that PwBD candidates have been recruited regularly in recent years, and that the vacancy in question has since been re-notified.

6.2 In the reply, the Respondent No. 2 relies on Supreme Court judgments in *K.H. Siraj v. High Court of Kerala* and *Lila Dhar v. State of Rajasthan* to assert that prescribing interview qualifying marks falls within the employer's domain, adding that interview boards complied with DoPT guidelines regarding representation of SC/ST, OBC, Minority, and Women members while keeping candidate marks and categories undisclosed to eliminate bias. It concludes by stating that it has recruited

several PwBD candidates in recent years and would consider including a PwBD representative on future interview panels.

7. Rejoinder

7.1 The Complainant's Learned Counsel, in the rejoinder dated 19.07.2026, contended that the Respondent's reply failed to furnish valid and cogent reasons, as required under Section 76 of the Rights of Persons with Disabilities Act, 2016, for refusing to comply with the recommendations of this Court. It was submitted that the Respondent merely reiterated the existing 10% relaxation without addressing its statutory discretion under Clause 11 of the DoPT Office Memorandum dated 15.01.2018 to further relax the standard of suitability where reserved vacancies remain unfilled. Relying on *Mukesh Kumar v. National Power Training Institute*, *In Re Recruitment of Visually Impaired in MP Judiciary* and *Munna Lal Yadav v. DEPwD*, the Complainant argued that the Respondent failed to exercise this discretionary power despite the Complainant narrowly missing the interview cut-off across four recruitment cycles, and also highlighted the continued absence of a PwBD representative on the interview panels. The Complainant, therefore, prayed that the Court hold the Respondent's reply to be non-compliant with its earlier recommendations, direct immediate implementation of the recommended remedial measures, stay the filling of the reserved vacancy pending compliance, and impose appropriate statutory consequences in the event of continued non-compliance.

8. Hearing II

8.1 A hearing was conducted, on 24.07.2026, in hybrid mode, wherein the following parties/representatives were present:

S.NO	NAME /DESIGNATION OF THE PARTY	REPRESENTATIVE OF
1	Smt. Ranju Lata Soni	Complainant
2	Adv. Rahul Bajaj	Counsel for Complainant
3	Adv. G. S. Chaturvedi	Respondent 2

8.2 No representatives on behalf of Respondents 1 and 3 were present during the proceedings.

9. Record of Proceedings

9.1 During the proceedings, the Respondent submitted that the Complainant had already been granted all relaxations permissible under the applicable

recruitment rules, had nevertheless failed to secure the prescribed interview qualifying marks, and that no provision existed for granting any further relaxation. It was further contended that extending additional relaxation to one candidate would lead to similar claims from others. The Respondent also informed the Court that, in compliance with its earlier recommendations, RITES Limited had decided to include a representative of persons with disabilities on all future interview boards, that the latest recruitment notification contained two vacancies reserved for persons with benchmark disabilities (including one backlog vacancy), and sought time to place a detailed synopsis on record.

9.2 The Complainant's learned counsel, on the other hand, submitted that the Respondent had failed to comply with the Court's earlier recommendations and had merely reiterated arguments that had already been considered and rejected. The Complainant further argued that the present case was governed by the statutory framework of the Rights of Persons with Disabilities Act, 2016, and not by the general recruitment precedents relied upon by the Respondent, highlighting that she had qualified the written examination on four consecutive occasions and had narrowly missed the interview cut-off by only two marks. It was further prayed that one vacancy under the latest recruitment process be kept vacant pending disposal of the proceedings and that action under Sections 89 and 93 of the RPwD Act be considered in the event of continued non-compliance.

10. Legal Framework

10.1 This Court, therefore, finds it pertinent to re-iterate its legal framework that was relied upon in the interim order dated 08.07.2026. The statutory framework governing public employment explicitly mandates that public sector establishments and government departments must apply relaxed standards of suitability when evaluating candidates with benchmark disabilities. Under Rule 11 of the Rights of Persons with Disabilities Rules, 2017, which operationalizes the core tenets of equality and equal opportunity in employment under Sections 3 and 20 of the RPwD Act, 2016, the appropriate government and appointing authorities possess the clear statutory mandate and discretionary power to lower the qualifying thresholds and relax the standards of suitability in both written examinations and viva-voce stages. This relaxed standards clause is designed as an enabling bridge to prevent horizontal reservations from being frustrated or left unfilled under the administrative guise of "none found suitable". If a sufficient number of benchmark disability candidates fail to meet the general standard proficiency cutoffs, the establishment is legally bound to lower the evaluation matrix parameters by the required nominal fraction, provided the candidate is not found fundamentally unfit for the core duties of the post.

10.2 Therefore, in the present case, relying on rigid, board-approved minimum qualifying interview cutoffs to deny employment to a candidate who has demonstrated objective competence is ultra vires to the RPwD Rules, 2017. The administration is legally obligated to exercise this relaxation protocol dynamically to ensure that the statutory reservation pool for categories like Specific Learning Disability (SLD) or visual impairment is completely filled and structurally preserved.

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

Article 16(1) – Equality of Opportunity in Public Employment

Guarantees equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State. In this case, leaving horizontally reserved seats vacant under the guise of “none found suitable,” without applying objective, relaxed evaluation parameters for candidates who have already proven their merit in written examinations, constitutes a direct violation of this equitable right.

Article 14 – Right to Equality

Prohibits the State from denying to any person equality before the law or the equal protection of the laws within the territory of India. The systemic, marginal disqualification of a highly qualified candidate at the subjective viva-voce stage across multiple cycles, combined with the structural exclusion of disability experts from selection panels, amounts to an arbitrary and discriminatory practice that fails the test of reasonable classification.

Section 34 of the Act – Mandatory Reservation in Public Employment

Mandates that every government establishment shall reserve a minimum percentage of its vacancies for persons with benchmark disabilities. The practice of systematically allowing these horizontal reservations to go completely unfilled or lapse by maintaining rigid, unyielding subjective thresholds runs entirely contrary to the legislative intent of this section.

Section 3 of the Act – Equality and Non-Discrimination

Explicitly mandates that no person with a disability shall be discriminated against on the ground of disability, ensuring they can lead a life of dignity. Denying a university gold-medalist and UGC-NET qualified scholar employment due to a minor, subjective fractional deficit in interview marks

represents an institutional barrier border-lining on an orchestrated denial of equal opportunity.

Section 20(1) of the Act

No Government establishment shall discriminate against any person with disability in any matter relating to employment.

Section 20(2) of the Act

Every Government establishment shall provide reasonable accommodation and appropriate barrier-free and conducive environment to employees with disability.

Section 21(1) of the Act

Every establishment shall notify an Equal Opportunity Policy detailing measures proposed to be taken by it in pursuance of the provisions of this Chapter in such manner as may be prescribed by the Central Government.

10.4 The Court heavily relies upon a definitive line of landmark judicial precedents to counter the administrative practices of the Respondents and reinforce the statutory protections of the law:

In Re: Recruitment of Visually Impaired Candidates (Supreme Court, 2025) paras 47–63.3 (especially paras 56, 62 and 63.3):

The Hon'ble Supreme Court observed that the evaluation of disabled individuals in public recruitment processes cannot rest on a rigid, standardized format that ignores their distinct operational challenges. The apex court held that substantive equality demands a proactive institutional framework wherein public establishments are under a positive obligation to apply relaxed assessment standards and extend reasonable accommodation, so long as a candidate is not functionally unfit to perform the foundational job duties. Striking down exclusionary and rigid rules, the judgment established that relaxation is permitted for candidate cutoff marks, separate cutoffs are mandatory, and turning "suitability" into a subjective veto at the final stage undermines the legislative intent of the RPwD Act.

National Federation of the Blind v. Madhya Pradesh High Court (Para 62): *The Supreme Court of India established and reinforced the statutory position that the relevant appointing authorities possess the necessary discretionary and legal power to relax the standards of suitability for candidates with benchmark disabilities to ensure that reserved seats are*

successfully filled.

Munna Lal Yadav v. DEPwD (W.P.(C) No. 7197/2021) paras 57, 62 and 65:

The Delhi High Court upheld this identical legal principle, reinforcing that the administration must actively implement relaxation protocols rather than allowing horizontal reservation seats for persons with disabilities to systematically go to waste under the rigid banner of "non-suitability".

11. Observation and Recommendation

11.1 Upon considering the submissions of both parties and perusing the material available on record, the Court takes cognizance of the statement made by Respondent No. 2 that it shall include a qualified representative/person with benchmark disability as a member of the interview board in the forthcoming recruitment cycle and all future recruitment processes. The Respondent is recommended to ensure that such representation is implemented uniformly in all future selections so as to promote fair, inclusive, and disability-sensitive assessment consistent with the objectives of the Rights of Persons with Disabilities Act, 2016.

11.2 However, the Court observed that the principal issue raised in the present proceedings concerns the Respondent's refusal to consider granting any further relaxation to the Complainant despite the peculiar facts of the case recorded. The Court noted that the Complainant has successfully qualified the written examination on four consecutive occasions and has consistently fallen short only at the interview stage by a narrow margin. Such recurring circumstances warrant an individualised assessment rather than a mechanical application of the prescribed cut-off standards.

11.3 In this regard, the Court reiterated that the applicable legal position is specifically governed by Clause 11 of the Office Memorandum dated 15.01.2018 issued by the Department of Personnel and Training, which provides as follows:

"If sufficient number of candidates with benchmark disabilities are not available on the basis of the general standard to fill all the vacancies reserved for them, candidates belonging to this category may be selected on relaxed standards to fill up the remaining vacancies reserved for them, provided they are not found unfit for such post or posts. However, this provision shall not be used to allow any relaxation in the eligibility criteria laid down for the purpose of issue of disability certificate."

11.4 The Court observed that the above provision expressly recognises the power of the appointing authority to adopt relaxed standards for filling reserved vacancies where adequate candidates are otherwise unavailable, subject only to the condition that such candidates are not found unfit for the post. The Court found that nothing placed on record demonstrates that the Complainant has been found unsuitable or unfit for appointment. Rather, her repeated success in the written examination over four recruitment cycles and the marginal shortfall in interview marks as well as her meritorious background (as mentioned in para 1.1 of this order) indicate that the issue relates only to the application of the prescribed qualifying standard and not to her overall suitability.

11.5 The Court reiterates its earlier recommendation that the Respondents establish uniform evaluation thresholds by aligning the interview qualifying marks with the written examination standards, fixing a unified minimum threshold of 45% for both stages for candidates with benchmark disabilities. In accordance with this relaxed evaluation framework and to prevent horizontal reservation seats from systematically going to waste, the management is recommended to immediately extend the opportunity of recruitment to the Complainant. The Respondents are advised to apply this 45% suggestion to the current selection parameters, lower the qualifying cutoff by the required nominal fraction, and formally award the Complainant the placement she has rightfully earned.

11.6 The Court further observed that the discretion to grant relaxation cannot be exercised in a manner that defeats the very purpose of reservation for persons with benchmark disabilities. While the Respondent has expressed apprehension that granting additional relaxation may lead to similar claims by other candidates, the Court observed that every case must necessarily be decided on its own facts and in accordance with the statutory framework governing persons with disabilities. The existence of statutory discretion cannot be rendered illusory merely because its exercise may subsequently be invoked in other deserving cases.

11.7 In view of the foregoing observations as mentioned in the paras 11.3 and 11.4 of this order, the Court recommends the Respondent 2 to reconsider the candidature and recruit the meritorious Complainant by examining the applicability of the said provision and to grant further relaxation in the interview qualifying standards, for filling the reserved vacancy, keeping in view that the Complainant has not been found unfit for the post.

11.8 In order to preserve the subject matter of the present proceedings and to ensure that the recommendations of this Court are not rendered infructuous, the Respondent is recommended to keep the vacancy the Complainant is contending

for, in the ongoing recruitment process, unfilled until a decision is taken in compliance with the present recommendations and the same is communicated to this Court.

11.9 The Respondent No.3, Department of Personnel and Training (DoPT), Ministry of Personnel, shall refer to para 4.4 of the interim order issued dated 08.07.2026 and communicate compliance/Action Taken Report to this Court within 30 days from the date of receipt of this Order.

11.10 The Respondent No.2 shall communicate with the above recommendations, together with a copy of the reasoned decision taken pursuant thereto, to this Court within 30 days from the date of receipt of this Order. However, failure to implement the recommendations contained herein, without sufficient cause, may constrain this Court to initiate appropriate proceedings under Sections 89 and 93 of the Rights of Persons with Disabilities Act, 2016, in accordance with law. Consequently, the Court has determined no further intervention necessary.

12. Accordingly, the case is disposed of.

(S. Govindaraj)

Commissioner for Persons with Disabilities