



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: CCPD-AD-0074/2026

In the Matter of

Complainant

Shri Tulsidas

Versus

Respondent

The General Manager, Western Railways

1. Hearing

1.1. A preliminary hearing was conducted on 13.07.2026 in hybrid mode, wherein the following parties/representatives were present:

Sl. No.	Name of the Parties / Representatives	On Behalf of
1.	Shri Tulsidas	Complainant
2.	Shri Manish Mehta, Chairman, Railway Recruitment Cell (RRC)	Respondent

2. Record of Proceedings

2 . 1 The Complainant, Shri Tulsi Das, a person with 100% benchmark visual impairment, submitted a grievance dated 02.07.2026 alleging that he had successfully qualified all stages of the recruitment process for the post of Railway Group D and was provisionally selected under the Persons with Benchmark Disabilities (PwBD) category. He submitted that, during the prescribed medical

examination conducted at Jagjivan Ram Hospital, Mumbai, in May 2026, he was declared medically unfit on account of a cavity detected in his lung X-ray. The Complainant contended that the said condition is a congenital and clinically stable anomaly present since childhood, which, according to medical opinions obtained from AIIMS Rajkot and Civil Hospital, Rajkot, neither requires treatment nor affects his functional capacity or ability to discharge the duties of the post. He further submitted that rejection of his candidature on the basis of a condition unrelated to his benchmark disability is inconsistent with the principles embodied under the Rights of Persons with Disabilities Act, 2016.

2.2 During the proceedings, the Respondent, represented by Shri Manish Mehta, Chairman, Railway Recruitment Cell (RRC), Western Railway, submitted that the Complainant had been examined strictly in accordance with the applicable Railway medical standards and was declared medically unfit by the competent medical authority. It was further submitted that the applicable recruitment rules provide a statutory mechanism whereby an aggrieved candidate may prefer a medical appeal before the Principal Chief Medical Director (PCMD), Western Railway, who is competent to examine the grievance and, where considered appropriate, direct re-examination by a Medical Board. The Respondent also submitted that, in view of pending proceedings before the Hon'ble Supreme Court concerning recruitment of candidates belonging to the blindness category, appointments against certain vacancies remain subject to the outcome of the said proceedings.

2.3 The Complainant informed the Court that he had already submitted a medical appeal before the Principal Chief Medical Director, Western Railway, through Speed Post approximately one week prior to the hearing and was awaiting a decision thereon. The Respondent submitted that the processing of such medical appeals falls within the mandate of the office of the Principal Chief Medical Director and agreed to ascertain the status of the Complainant's appeal and the likely timeline for its disposal.

2 . 4 Upon consideration of the submissions made by the parties, the Court observed that the Complainant has already invoked the statutory appellate mechanism available under the applicable Railway medical rules and that the said proceedings are presently pending before the competent authority. The Court is of the view that the medical appeal should be examined objectively, taking into consideration the relevant medical records, the functional requirements of the post, and the mandate of the Rights of Persons with Disabilities Act, 2016, including the

principles of equality, non-discrimination, and reasonable accommodation, wherever applicable. At this stage, the Court considers it appropriate to allow the statutory process to reach its logical conclusion before undertaking any further intervention.

2.5 Accordingly, the Respondents are directed to coordinate with the office of the Principal Chief Medical Director, Western Railway, ascertain the status of the Complainant's medical appeal, and submit a comprehensive Action Taken Report (ATR) before this Court within 30 days, indicating

- i. the present status of the appeal;
- ii. the decision taken thereon, if any;
- iii. the reasons supporting such decision; and
- iv. the action proposed thereafter, if applicable.

In view of the pendency of the statutory medical appeal, the Commission is not inclined to admit the present complaint at this stage. However, liberty is reserved to the Complainant to approach this Commission afresh, if so advised, upon the disposal of the medical appeal.

3. This is issued with the approval of the Commissioner for Persons with Disabilities.

(Vikas Trivedi)

Dy. Chief Commissioner