



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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Email: ccpd@nic.in; Website: www.ccdisabilities.nic.in

In the matter of-

Shri Dharmendra Kumar Sah

Email: s.dharmendra9900@gmail.com

...Complainant

Versus

The General Manager,
Central Recruitment and Promotion Department,
State Bank of India, Mumbai

Email: crpd@sbi.co.in

... Respondent

Notice for Action Taken Report

Whereas a complaint dated 22.08.2022 was filed by Shri Dharmendra Kumar Sah, a person with 100% Visual Impairment, regarding the discrepancy in the appointment to the post of Probationary Officer by SBI under Advt. No. CRPD/PO/2021-22/18;

2. And whereas, this Court passed a recommendation Order dated 01.10.2025 (copy enclosed), whereby this Court inter alia made the following recommendations:

"10. Observation and Recommendations:

10.1 At the outset, this court notes that as per Para 3 of the OM No.29-6/2019-DD-III, dated 10.8.2022, issued by the Department of Empowerment of Persons with Disabilities, the facility of a scribe, along with compensatory time, shall not be treated as a relaxed standard. This understanding is also captured in clause 3 (ii) of the O.M. dated 22.09.2022 issued by the Department of Personnel and Training bearing no. 36012/14/2022 – Estt. (Res).

10.2 As per the judgment of the Hon'ble Supreme Court in the case of UOI & Ors. v. M. Selvakumar and Anr. (2017) 3 SCC 504, the grant of concessions/affirmative action measures is a form of reasonable accommodation for PwDs.

10.3 SBI's denial of the benefit of the OBC category to the Complainant is in the teeth of the office memoranda and is also contrary to the "own merit" principle. Para 4 of the DoPT OM dated 15.01.2018, provides as under:

"4. ADJUSTMENT AGAINST UNRESERVED VACANCIES:

4.1 In the category of posts which are identified suitable for persons with benchmark disabilities, a person with benchmark disability cannot be denied the right to compete for appointment by direct recruitment against an unreserved vacancy. Thus a person with benchmark disability can be appointed by direct recruitment against vacancy not specifically reserved for the persons with benchmark disability, provided the post is identified suitable for persons with benchmark disability of the relevant category.

4.2 Persons with benchmark disabilities selected without relaxed standards along with other candidates, will not be adjusted against the reserved share of vacancies. The reserved vacancies will be filled up separately from amongst the eligible candidates with benchmark disabilities which will thus comprise of candidates with benchmark disabilities who are lower in merit than the last candidate in merit list but otherwise found suitable for appointment, if necessary, by relaxed standards."

10.4 A reasonable accommodation is a statutory entitlement of a PwD that enables them to compete on an even platform with their able-bodied counterparts in line with Sections 2(y), 3(2), 3(5) of the RPWD Act, 2016. Treating the same as a relaxed standard does a huge disservice to the salutary purpose and object behind the grant of reasonable accommodation.

10.5 SBI is recommended to ensure that all future recruitment processes carried out by it are in alignment with the above understanding.

10.6 An Action Taken Report be filed with this court within a period of 3 months in accordance with Section 76 of the RPwD Act, 2016.

10.7 Accordingly, the case stands disposed of.

Sd/

01.10.2025

(Rajesh Aggarwal)

Chief Commissioner for Persons with Disabilities"

3. And whereas, this Court is inclined to mention Section 76 of the Rights of Persons with Disabilities Act, 2016 [hereinafter as "the Act"], which mandates the appropriate authority that whenever the Chief Commissioner makes a recommendation, the authority shall take necessary action and inform the same to the Chief Commissioner within three months. Further, the same also provides that if the authority does not accept the Recommendation, such authority shall inform the reasons for the same.

4. And whereas, this Court is also inclined to mention that Recommendations made in the exercise of its functions laid down by this Court under Section 75 of the Act, and powers given to it under Section 77 of the Act are not mere empty formality. Recommendations are made by this Court after application of mind to the facts and documents submitted by the parties to the Complaint. Furthermore, this Court is also inclined to mention that the 'reason' for non-acceptance of the Recommendation must contain an explanation supported by proper evidence for non-acceptance. Mere one-line information about non-acceptance shall not be considered a 'reason' for non-acceptance.

5. And whereas, this Court seeks to bring the attention of the Respondent to Section 93 of the Act, according to which not furnishing any information or statement sought under the Act is a punishable offence.

6. And this Court takes serious note of the fact that no Action Taken Report has been received from the Respondent so far.

7. And therefore, this Court has concluded that the Respondent has violated provisions of Sections 76 and 93 of the Act and has demonstrated utter disrespect to the Recommendations of this Court by not filing an 'action taken report' within the stipulated three months. This Court grants the final opportunity to the Respondent to file an 'action taken Report' under Section 76 of the Act within 10 days of receiving this Notice, failing which this Court shall presume that the Respondent has not taken any action and will be constrained to initiate action under Sections 89 and 93 of the Act.

(Ipsita Mitra)
Dy Chief Commissioner

Encl.: As above