



न्यायालय मुख्य आयुक्त

COURT OF 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 and Empowerment

भारत सरकार/ Government of India

Case No. CCPD/15451/1021/24

Dated: 14/08/2026

In the matter of:

Mr. Dharmendra Singh Rathore

...Complainant

Versus

The Director

National Institute for the Empowerment of Persons with Visual Disabilities

Dehradun, Uttarakhand

...Respondent

1. Gist of Complaint:

1.1 Shri Dharmendra Singh, a person with 100% visual impairment (blindness), filed a complaint dated 27.05.2024 stating that he is serving as a Post Graduate Teacher (Hindi) at Adarsh Vidyalaya, National Institute for the Empowerment of Persons with Visual Disabilities (Divyangjan), Dehradun (NIEPVD). He sought consideration for promotion to the vacant post of Vice Principal, which has remained unfilled since 14.02.2024. The Complainant submitted that, among the three PGTs eligible for consideration, one lacks the requisite qualifications in the field of blindness, while another, Ms. Manju, was found guilty in a departmental inquiry and has adverse Annual Confidential Reports (ACRs). He further stated that, being the senior-most eligible PGT with an excellent service record, including consistent 100% examination results since 2009 and outstanding student performance, his case for promotion should be considered in accordance with the Rights of Persons with Disabilities Act, 2016 and the DoPT Office Memorandum dated 28.12.2023.

2. Notice issued to the Respondent:

2.1 A Notice dated 27.06.2024 was issued to the Respondent for forwarding their comments on affidavit on the complaint within 30 days to this Court u/s 75 & 77 of the Rights of Persons with

5वीं मंजिल, एनआईएसडी भवन, प्लॉट न०. जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष: 011-20892364, 20892275
5th Floor, NISD Building, Plot No.G-2, Sector-10, Dwaraka, New Delhi-110075; Tele# 011-20892364,
20892275

E-mail: ccpd@nic.in; Website: www.ccdisabilities.nic.in

(पया भविष्य में पत्राचार के लिए उपरोक्त फाईल/केस संख्या अवश्य लिखें)

(Please quote the above file/case number in future correspondence)



न्यायालय मुख्य आयुक्त

COURT OF 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 and Empowerment

भारत सरकार/ Government of India

Case No. CCPD/15451/1021/24

Dated: 14/08/2026

Disabilities Act, 2016.

3. Reply filed by the Respondent:

3.1 Respondent filed their reply dated 12.07.2024 and submitted that Complainant is currently ineligible for the post of Vice Principal as per the Recruitment Rules and that the post is not reserved for persons with disabilities.

3.2 Respondent further submitted that Complainant has already raised a similar issue in WPSS No. 967/2020 before the Hon'ble High Court of Uttarakhand, which is scheduled for final hearing on 23rd August 2024.

4. Rejoinder filed by the Complainant :

4.1 The Complainant filed his Rejoinder dated 27.08.2024 and submitted that Complainant previously filed a case in the Hon'ble Nainital High Court regarding the Vice Principal post, which was withdrawn on 27.07.2024. Therefore, no case is currently pending in the High Court concerning this matter.

5. Hearing (I):

5.1 An online hearing in the above matter was conducted in hybrid mode on 21.04.2025. The following parties/representatives were present:

Sl. No.	Name of the Attendees	On Behalf of	Mode
1.	Mr. Dharmendra Singh Rathore	Complainant	Online
2.	Mr. Pradeep A, Director	Respondent	Online

5वीं मंजिल, एनआईएसडी भवन, प्लॉट नं०. जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष: 011-20892364, 20892275
5th Floor, NISD Building, Plot No.G-2, Sector-10, Dwaraka, New Delhi-110075;Tele# 011-20892364, 20892275

E-mail: ccpd@nic.in; Website: www.ccdisabilities.nic.in
(पया भविष्य में पत्राचार के लिए उपरोक्त फाईल/केस संख्या अवश्य लिखें)
(Please quote the above file/case number in future correspondence)



न्यायालय मुख्य आयुक्त

COURT OF 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 and Empowerment

भारत सरकार/ Government of India

Case No. CCPD/15451/1021/24

Dated: 14/08/2026

3.	Mr. Varun Yadav, Section Officer	Respondent	Online
4.	Adv. Indradutt, Consultant,	Respondent	Online

5.2 The Complainant submitted that the post of Vice Principal at the National Institute for the Empowerment of Persons with Visual Disabilities, Dehradun, has remained vacant since 14.02.2024 and that he is being unjustly denied promotion despite being the most eligible candidate. He stated that he is due to retire in 2031 and has consistently maintained excellent APARs with no adverse remarks. The Respondent, however, contended that the post is not vacant as the regular incumbent, Shri Amit Sharma, who holds lien on the post, is presently on deputation as Principal of the same institute w.e.f. 14.02.2024. It was argued that promoting the Complainant would necessitate his reversion upon repatriation of the incumbent, therefore, the complaint deserves dismissal.

5.3 The Court noted that there is only one sanctioned post of Vice Principal and observed, prima facie, that no regular vacancy exists and that PwBD reservation does not apply to a single-post cadre. However, the Court sought clarification on whether the post is essential, the reasons for keeping it unfilled for over a year, and the feasibility of considering the Complainant for ad-hoc promotion to address both administrative requirements and his grievance. The Court recommended that the Respondent submit the applicable Recruitment Rules for the posts of Principal and Vice Principal within fifteen days, along with clarification on the Complainant's eligibility for promotion, taking into account reasonable accommodation in view of his visual impairment.

6. Hearing (II):

6.1 An online hearing in the above matter was conducted in hybrid mode on 02.01.2026. The following parties/representatives were present:

5वीं मंजिल, एनआईएसडी भवन, प्लॉट न०. जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष: 011-20892364, 20892275
5th Floor, NISD Building, Plot No.G-2, Sector-10, Dwaraka, New Delhi-110075;Tele# 011-20892364,
20892275

E-mail: ccpd@nic.in; Website: www.ccdisabilities.nic.in

(पया भविष्य में पत्राचार के लिए उपरोक्त फाईल/केस संख्या अवश्य लिखें)

(Please quote the above file/case number in future correspondence)



न्यायालय मुख्य आयुक्त

COURT OF 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 and Empowerment

भारत सरकार/ Government of India

Case No. CCPD/15451/1021/24

Dated: 14/08/2026

Sl. No.	Name of the Attendees	On Behalf of	Mode
1.	Mr. Dharmendra Singh Rathore	Complainant	Online
2.	Advocate Tanishk Goyal	Complainant	Online
3.	Mr. Vinod Kr. Kain , Director, NIEPVD	Respondent	Online

6.2 At the outset, the Court enquired from the Respondents whether they had complied with the directions issued during the previous hearing about submission of relevant documents. In response, the Respondents submitted that all required documents had been furnished within the stipulated time and that copies had also been shared with the concerned parties.

6.3 The Court then sought clarification regarding the steps taken by the Respondents and the relief extended to the Complainant. The Respondents submitted that the issue relating to the Complainant's promotion and service conditions would be placed before the Executive Council/ Departmental Promotion Committee (DPC), and that a decision would be taken by the competent authority. They also indicated that the meeting of the said Committee was likely to be convened within a specified timeframe.

6.4 Upon consideration of the submissions, the Hon'ble Court observed that the matter involves issues of dignity and fair treatment. The Court noted that in the earlier hearing, the possibility of granting ad hoc promotion had already been discussed, which prima facie indicated that the Respondents' stand regarding the Complainant's ineligibility was not entirely convincing.

6.5 In view of the above, the Court recommended the Respondents to take necessary steps and submit a compliance report within a period of 30 days, detailing the progress and action taken. The counsel for the Complainant also requested that the matter be decided in a time-bound manner and

5वीं मंजिल, एनआईएसडी भवन, प्लॉट न०. जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष: 011-20892364, 20892275
5th Floor, NISD Building, Plot No.G-2, Sector-10, Dwaraka, New Delhi-110075;Tele# 011-20892364, 20892275

E-mail: ccpd@nic.in; Website: www.ccdisabilities.nic.in

(पया भविष्य में पत्राचार के लिए उपरोक्त फाईल/केस संख्या अवश्य लिखें)

(Please quote the above file/case number in future correspondence)



न्यायालय मुख्य आयुक्त

COURT OF 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 and Empowerment

भारत सरकार/ Government of India

Case No. CCPD/15451/1021/24

Dated: 14/08/2026

that the Complainant's disability should not be used to his disadvantage, which was duly noted by the Court.

7. Observations and Recommendations:

7.1. The Court observes that the present matter concerns the Complainant's claim for promotion to the post of Vice Principal at the National Institute for the Empowerment of Persons with Visual Disabilities (Divyangjan), Dehradun (NIEPVD). While the Complainant asserts eligibility on the basis of seniority, an unblemished service record, and the post remaining functionally vacant since 14.02.2024. The Respondents contend that no regular vacancy exists as the incumbent continues to hold a lien on the post while on deputation. Although the post is a single-post cadre where reservation for persons with benchmark disabilities may not strictly apply, the Respondents remain under a statutory obligation to ensure non-discrimination, equal opportunity, and reasonable accommodation in terms of Sections 3 and 20 of the Rights of Persons with Disabilities Act, 2016.

7.2. The Court further notes that the Complainant's service credentials have not been effectively rebutted and that the earlier proceedings before the Hon'ble High Court of Uttarakhand having been withdrawn, there is no legal impediment to adjudication of the present complaint. The continued delay in convening the Executive Council/Departmental Promotion Committee (DPC) and taking a final decision, particularly in the case of a person with 100% visual impairment, is inconsistent with the objectives of the RPwD Act, 2016.

7.3. Accordingly, the Respondents are recommended to place the matter before the Executive Council/DPC and take a reasoned decision on the Complainant's claim within 30 days. Considering that the post is presently functionally unoccupied due to the incumbent being on deputation, the Respondents shall also examine the feasibility of granting the Complainant ad hoc/officiating promotion, subject to fulfillment of the prescribed eligibility criteria. While considering the case, the Respondents shall ensure that the Recruitment Rules are applied in a fair and transparent manner, consistent with the principles of non-discrimination, equal opportunity, and reasonable accommodation under the RPwD Act, 2016, and that any decision accepting or rejecting the Complainant's claim is supported by cogent reasons. An Action Taken Report (ATR), along with relevant supporting documents, shall be submitted to this Court within the stipulated period.

5वीं मंजिल, एनआईएसडी भवन, प्लॉट नं०. जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष: 011-20892364, 20892275
5th Floor, NISD Building, Plot No.G-2, Sector-10, Dwaraka, New Delhi-110075;Tele# 011-20892364,
20892275

E-mail: ccpd@nic.in; Website: www.ccdisabilities.nic.in

(पया भविष्य में पत्राचार के लिए उपरोक्त फाईल/केस संख्या अवश्य लिखें)

(Please quote the above file/case number in future correspondence)



न्यायालय मुख्य आयुक्त

COURT OF 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 and Empowerment

भारत सरकार/ Government of India

Case No. CCPD/15451/1021/24

Dated: 14/08/2026

7.4. The above recommendations are supported by the judgments of the Hon'ble Supreme Court in State of Haryana v. Piara Singh, (1992) 4 SCC 118, wherein the Court recognised that ad hoc/officiating arrangements may be made to meet administrative exigencies where regular appointments cannot be made immediately; Vikash Kumar v. UPSC, (2021) 5 SCC 370, which emphasised the principles of substantive equality and reasonable accommodation under the RPwD Act, 2016, and held that persons with disabilities cannot be denied equal opportunities through rigid application of service rules; and Randhir Singh v. Union of India, (1982) 1 SCC 618, wherein the Court reaffirmed that Articles 14 and 16 of the Constitution mandate fairness, transparency and equal opportunity in public employment.

8. Accordingly, the case is disposed of.

Yours faithfully,

(S. Govindaraj)
Commissioner

5वीं मंजिल, एनआईएसडी भवन, प्लॉट न०. जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष: 011-20892364, 20892275
5th Floor, NISD Building, Plot No.G-2, Sector-10, Dwaraka, New Delhi-110075;Tele# 011-20892364,
20892275

E-mail: ccpd@nic.in; Website: www.ccdisabilities.nic.in
(पया भविष्य मे पत्राचार के लिए उपरोक्त फाईल/केस संख्या अवश्य लिखें)
(Please quote the above file/case number in future correspondence)