



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-AD-0133/2026

In the Matter of

Complainant

Shri Madanlal Bareth

Versus

Respondent(s)

The Chairman and Managing Director, Coal India Ltd.

1. Background of the Case

1.1 The Complainant, Shri Madanlal Bareth, a person with 100% locomotor disability submitted a grievance dated 08.07.2026 stating that he is currently working as Chief Draftsman Grade A-1 in SECL, Korba, since 30.06.2021. He further submitted that Coal India Limited, Kolkata, issued a notification dated 25.02.2025 for filling up 31 posts in the Legal Cadre for departmental employees for promotion from the non-executive category to the executive category at E-2 Grade. He stated that this examination was conducted after a gap of about 10 years, as the previous examination was held in 2016. The complainant appeared in the examination on 29.11.2025 and obtained 53 marks in Paper-I and 53 marks in Paper-II (Law), totaling 106 marks. He stated that the qualifying criteria for persons with disabilities were 35% marks in each paper and 90 marks in aggregate, and that he had secured marks above the prescribed qualifying criteria. He further submitted that he had raised objections regarding nine questions for re-checking/re-evaluation of his answer sheet. However, no information regarding the outcome of these objections has been provided to him so far. He also stated that the marks obtained by the candidates have not been officially disclosed. The complainant further stated that a provisional selection list was issued on 15.03.2026, in which only 2 candidates were selected against 31 posts in the Legal Cadre. He alleged that three posts reserved for persons with disabilities (VH-2 and

HH-1) remained vacant as no eligible candidates with the specified disabilities were available.

2. Notice of Hearing

2.1 A Notice dated 11.08.2026 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 13.08.2026 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. Respondent's Submission

3.1 The Respondent, Coal India Limited, submitted a reply dated 12.08.2026 contesting that Notification No. 02/2025 was issued for promotion/selection of departmental employees to the Executive Cadre, including 31 vacancies in the Legal discipline, of which 3 were reserved for PwD candidates, with the identified disability categories being VH (B, LV) and HH. It was stated that Shri Madan Lal Bareth had not submitted a PwD certificate with his application, had applied under the General/UR category, and had secured 54 marks in Paper-I and 53 marks in Paper-II, but did not meet the prescribed qualifying criteria for General/UR candidates. The Respondent further submitted that the Complainant's claimed disability of 100% both-leg disability was not an identified category for the Legal discipline under the notification. It was also contended that Section 34(2) of the RPwD Act, 2016, relating to interchange of disability categories, applies only to carried-forward/backlog vacancies and not to current recruitment/promotion-year vacancies; hence, the Complainant could not claim selection against a post not identified as suitable for his disability category.

4. Hearing

4.1. A preliminary hearing was conducted on 13.08.2026 wherein the following parties/representatives were present:

Sl. No.	Name of the Parties / Representatives	On Behalf of
1.	Shri Madanlal Bareth	Complainant
2.	Shri Ravindernath, General Manager (Recruitment)	Respondent

5. Record of Proceedings

5.1 During the proceedings, the Complainant reiterated his grievance regarding the departmental examination conducted by Coal India Limited for promotion of non-executive employees to the executive category at E-2 grade. He submitted that pursuant to the notification dated 25.02.2025, the examination was conducted on 29.11.2025 and that he had secured 53 marks in each of the two papers, with an aggregate of 106 marks. He further submitted that the qualifying criteria prescribed for PwBD candidates were 35% marks in each paper and 90 marks in aggregate. He stated that he had raised objections in respect of nine questions and sought rechecking/re-evaluation of his answer sheet, but the outcome thereof was not communicated to him. He further alleged that three posts reserved for PwBD candidates remained vacant and sought diversion of the said vacancies for his consideration and promotion.

5.2 The Respondent, Coal India Limited, submitted that the promotion process for non-executive employees to the executive category was conducted through a Computer Based Test (CBT) comprising two papers and that selection was based upon the marks obtained therein. It was submitted that the prescribed qualifying criteria for SC/ST/PwBD candidates were 35% marks in each paper and 90 marks in aggregate, whereas the Complainant had obtained 106 marks as per the Respondent's record, against the general qualifying requirement of 45 marks in each paper and 110 marks in aggregate. The Respondent further submitted that the Complainant had applied for the examination under the Unreserved category and had not disclosed/submitted his PwBD certificate for claiming the benefit of PwBD reservation. It was also submitted that the vacancies in the Legal discipline had been specifically notified for the VH and HH categories and that the Complainant could not subsequently seek conversion/diversion of such vacancies in the same recruitment cycle. The Respondent stated that the answer sheets had been made available on the designated portal and candidates were given an opportunity to raise objections, which were processed by the agency conducting the examination. It was further submitted that the Complainant had been duly informed of the position through his representations, RTI applications and grievances.

5.3 Upon consideration of the submissions, the Court observed that the Complainant had participated in the recruitment/promotion process as an Unreserved category candidate and had not claimed PwBD reservation in the said examination. The Court further observed that the vacancies in question had been specifically notified against particular disability categories, namely VH and HH, and that the statutory scheme does not permit alteration or conversion of the notified disability category during the same recruitment year merely on account of non-

availability of eligible candidates. The Court observed that any such change, if permissible under the applicable statutory provisions and recruitment rules, could only be considered in a subsequent recruitment cycle in accordance with law.

Section 34 (2) of the Rights of Persons with Disabilities (RPwD) Act, 2016

Where in any recruitment year any vacancy cannot be filled up due to non-availability of a suitable person with benchmark disability or for any other sufficient reasons, such vacancy shall be carried forward in the succeeding recruitment year and if in the succeeding recruitment year also suitable person with benchmark disability is not available, it may first be filled by interchange among the five categories and only when there is no person with disability available for the post in that year, the employer shall fill up the vacancy by appointment of a person, other than a person with disability: Provided that if the nature of vacancies in an establishment is such that a given category of person cannot be employed, the vacancies may be interchanged among the five categories with the prior approval of the appropriate Government.

DoPT O.M. No. 36035/02/2017-Estt (Res) dated 15th January, 2018

Clause 8.4 If any vacancy reserved for any category of benchmark disability cannot be filled due to non-availability of a suitable person with that benchmark disability or, for any other sufficient reason, such vacancy shall be carried forward as a 'backlog reserved vacancy' to the subsequent recruitment year.

5.4 The Court further observed that the benefit of relaxation in qualifying marks available to PwBD candidates could not be claimed retrospectively by a candidate who had participated in the examination as an Unreserved category candidate. The Court also noted that the Complainant's request for diversion of the posts notified for VH/HH categories, in the same recruitment year, could not be accepted merely on the ground that eligible candidates under the notified categories were not available. The Complainant would, however, be at liberty to avail himself of any applicable PwBD reservation, relaxation or other statutory benefit in a subsequent recruitment process, subject to the eligibility conditions and the disability categories notified therein.

5.5 In view of the facts and circumstances of the case and the submissions made during the hearing, the Court found no ground for recommending diversion or conversion of the vacancies notified for VH/HH categories in the present

recruitment year in question. The Complainant may participate in future recruitment/promotion processes and claim the benefits available to persons with benchmark disabilities in accordance with the applicable provisions of the Rights of Persons with Disabilities Act, 2016, recruitment rules and the relevant notifications. Accordingly, no further intervention is considered necessary in the matter at this stage.

6. Accordingly, the case is disposed of.

(S. Govindaraj)

Commissioner for Persons with Disabilities