



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-AD-0155/2026**In the Matter of****Complainant**

Shri Nishant Tripathi

Versus**Respondent(s)**

The Commissioner, Navodaya Vidyalaya Sangathan

1. Background of the Case

1.1 The Complainant, Shri Nishant Tripathi, a person with 50% visual impairment and working as PGT (Physics) at Jawahar Navodaya Vidyalaya, submitted a grievance dated 10.08.2026 stating that he has been subjected to discrimination, mental harassment and unfair disciplinary action by the Navodaya Vidyalaya Samiti (NVS). He also stated that his son has 75% disability due to autism. He alleged that despite his visual disability and family circumstances, he was assigned admission-related work under the Special Admission Drive 2025-26. He stated that he completed the assigned work successfully, including preparing 18 lists and completing all 30 admissions in Class VII and 18 admissions in Class VIII. He further alleged that the then Principal, Shri Rambir Singh, prepared false documents by allegedly using forged signatures of the Office Superintendent and Vice-Principal to implicate him. He stated that, without properly considering the facts, written statements of other teachers and his disability, the Assistant Commissioner, Lucknow Region, issued an order dated 24.03.2026, imposing the penalty of withholding one annual increment for one year. He also stated that his appeal submitted to the NVS Headquarters on 29.05.2026 has not been considered.

2. Hearing

2.1. 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 Nishant Tripathi	Complainant
2.	Ms. Sangeetha Jaiswal, Deputy Commissioner (Lucknow)	Respondent

3. Record of Proceedings

3.1 During the proceedings, the Complainant submitted that he had been assigned admission-related duties under the Special Admission Drive for the academic session 2025–26, particularly in Classes VII and VIII, and that despite completing a substantial number of admissions, disciplinary action was initiated against him for allegedly not completing the assigned admissions. He further alleged that false documents were prepared against him and that, without adequately considering his disability and the circumstances of the assignment, a penalty of withholding one annual increment was imposed upon him vide order dated 24.03.2026. He stated that his appeal/review proceedings before the competent authorities had not provided him effective relief. The Respondent submitted that the admission work was assigned pursuant to directions of the Headquarters and that the Complainant had been entrusted with the admission process for Classes VII and VIII. It was submitted that certain vacancies remained unfilled and, accordingly, disciplinary proceedings were initiated against the concerned officials/teachers. The Respondent further submitted that the Complainant had already availed the departmental appellate remedy and could pursue a review petition before the competent authority.

3.2 Upon considering the submissions of both parties, the Court observed that the admission-related work assigned to the Complainant ought to be understood as an assignment and not merely as a numerical target, particularly in the context of an educational institution. The Court further observed that the performance of an employee with a disability should not be assessed mechanically by comparing the number of tasks completed by him with those completed by other employees, without considering the functional limitations arising from the disability. In the present case, the Court noted that the Complainant has 50% visual impairment and, therefore, the nature, volume and severity of the assignment, as well as the feasibility of completing the same, ought to be assessed in a rational and objective

manner having regard to his disability. The Court also observed that the purpose should be to facilitate the employee in discharging the assigned responsibilities to the extent reasonably possible, rather than merely attributing the shortfall in performance to the employee without examining the circumstances in which such shortfall occurred.

3.3 The Court takes note of the Complainant's submission vide email dated 17.08.2026 and alleged discrimination, denial of reasonable accommodation under Sections 3 and 20 of the RPwD Act, 2016, and arbitrary victimization by Navodaya Vidyalaya Samiti. He submitted that despite being assigned substantial backlog work under the Special Admission Drive, which he claimed to have successfully completed despite inadequate operational support, he was subjected to a penalty of withholding one annual increment under Rule 16 of the CCS (CCA) Rules, allegedly on the basis of suppressed documents and fabricated evidence bearing forged signatures. He sought quashing of the penalty, restoration of the increment with consequential benefits, an independent inquiry into the alleged forged evidence under Section 92(a) of the RPwD Act, and enforcement of reasonable accommodation.

3.4 The Court accordingly observed that the competent authority/Review Committee, while considering the Complainant's review petition, should take into account his disability, the functional limitations associated therewith, the quantum of work assigned to him, the work actually completed by him and the circumstances leading to the alleged shortfall. The Court further observed that the assessment should be a rational assessment of the assignment having regard to the Complainant's limitations, and that the mere fact that similar work was assigned to other teachers should not, by itself, be treated as determinative of the Complainant's capacity to perform the same quantum of work.

3.5 The Court further advised the Complainant to avail the departmental review mechanism available to him and observed that the Review Committee would be the appropriate authority at this stage to examine the disciplinary action in the light of the applicable service rules and internal policies of the Respondent organisation. The Respondent was accordingly advised to ensure that, while examining the review petition, the Review Committee duly considers the Complainant's disability and undertakes a fair and rational assessment of the assignment and his performance, instead of proceeding solely on a comparison with employees without disabilities. The Court observed that such consideration would also be consistent with the principles of reasonable accommodation and non-discrimination applicable to employees with disabilities. With the aforesaid observations and

recommendations, the Court has determined no further intervention necessary, with liberty to the Complainant to pursue the available departmental remedy in accordance with the applicable rules.

4. Accordingly, the case is disposed of.

(S. Govindaraj)

Commissioner for Persons with Disabilities