



सत्यमेव जयते

न्यायालय मुख्य आयुक्त दिव्यांगजन

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 & 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
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Case No.: 14279/1011/2023 and 14286/1011/2023

(Consolidated with 15365, 15207, 15227, 15232, 15409, 15410, 15457, 15458, 15464, 15470, 15482, 15499, 15520, 15531)

In the matter of:

Complainant(s):

1. Sh. Awdhesh Kumar Kaushal
2. Shri Raj Kumar
3. Sh. Hemant Maheshwari

Respondent(s):

The Commissioner,
 National Education Society for Tribal Students (NESTS),
 Ministry of Tribal Affairs

RECORD OF PROCEEDINGS

1. Hearing: A hearing in the hybrid mode in the matter was conducted on 13.01.2026, wherein the following were present:

Sl. No.	Name & Designation of the Attendees (Smt./Sh./Ms.)	On behalf of	Mode of Presence
1.	Awdhesh Kumar Kaushal	Complainant	Online

2.	Hemant Maheshwari	Complainant	Online
3.	Somesh Chandra Jha, Advocate	Respondent	Online
4.	Akshat Shrivastava, Legal Consultant	Respondent	Online
5.	Vipin Kumar, Joint Commissioner	Respondent	Online

2. Proceedings during hearing :

2.1 The Complainant, Shri Awdhesh Kumar Kaushal, submitted that the 2023 recruitment notification did not provide reservation for the VI (Blind/Low Vision) category for the post of Principal. He stated that reservation for the VI category was subsequently provided in the 2025 recruitment notification. He alleged that different standards had been followed in the two recruitments and requested that eligible candidates, including himself and Shri Raj Kumar, be called for interview and considered for appointment.

2.2 Complainant Shri Hemant reiterated that, despite the earlier directions of the Court and the subsequent judgments of the Hon'ble Supreme Court and the Hon'ble High Court, the VI category was initially not included for the post of Principal in the 2023 recruitment. He submitted that, although reservation was subsequently provided in the later recruitment, the backlog vacancies remained to be addressed. He requested that eligible VI candidates be called for interview, the backlog vacancies be considered and eligible candidates be appointed in accordance with law.

2.3 The Respondent, represented by Shri Somesh Chandra Jha, Advocate, submitted that the ESSE-2023 advertisement was issued for 303 posts of Principal, including 13 reserved posts, but did not provide reservation for the VI category. The said advertisement was challenged before the Hon'ble Delhi High Court in a batch of writ petitions, including W.P.(C) No. 9771/2024, W.P.(C) No. 10018/2024, W.P.(C) No. 9803/2024, W.P.(C) No. 9826/2024, W.P.(C) No. 10017/2024, W.P.(C) No. 10312/2024, W.P.(C) No. 11456/2024 and W.P.(C) No. 10284/2024, along with connected matters.

2.4 The Respondent submitted that the Hon'ble Delhi High Court, vide order dated 25.04.2025, did not set aside the recruitment advertisement or the examination but directed NESTS to issue appointment/posting orders to eligible successful candidates belonging to the VI category in terms of the directions contained in the

said order. The Respondent further submitted that the said directions were complied with and that eligible VI candidates from the 2023 recruitment were appointed. It was also submitted that 1% reservation for the VI category has been provided in the subsequent 2025 recruitment.

2.5 The Respondent further submitted that Complainant Shri Hemant did not appear for the interview and that the relevant attendance sheet had been placed on record. It was also submitted that the other Complainants appeared for document verification but were not permitted to proceed further at the relevant stage.

2.6 The Complainants submitted that they were not parties to the proceedings before the Hon'ble Delhi High Court and were not aware of the order dated 25.04.2025. They clarified that their grievance is primarily regarding their own consideration for interview/appointment and the status of the vacancies which, according to them, are required to be treated as backlog vacancies.

3. Observation and Recommendations

3.1 The Court observes that the principal grievance raised in the present matter relates to the exclusion of the VI category in the 2023 recruitment for the post of Principal. The said recruitment advertisement was also the subject matter of proceedings before the Hon'ble Delhi High Court in the above-mentioned writ petitions, which were decided vide order dated 25.04.2025.

3.2 Since the present Complainants have stated that they were not parties to the aforesaid proceedings, the Court considers it appropriate to first examine the scope and effect of the order dated 25.04.2025 and the manner in which the directions contained therein have been implemented by the Respondent, before proceeding further with the present complaints.

3.3 The Court, therefore, recommends that the Respondent place on record, within one week, the following:

- a. a copy of the order dated 25.04.2025 passed by the Hon'ble Delhi High Court in the relevant writ petitions;
- b. copies of the relevant writ petitions and connected proceedings, to the extent necessary for understanding the issues and reliefs considered by the Hon'ble High Court;
- c. the compliance affidavit/status report filed by the Respondent pursuant to the

said order;

d. details of the VI category candidates appointed pursuant to the said order, including the posts against which such appointments were made; and

e. the present status of the vacancies relating to the VI category, including whether any vacancy from the 2023 recruitment remains unfilled or is being treated as a backlog vacancy.

3.4 The Respondent shall also specifically indicate whether the Complainants' cases were considered pursuant to the directions of the Hon'ble High Court and, if not, the reasons therefor, along with the relevant record.

3.5 A copy of the response and documents submitted by the Respondent shall be furnished to the Complainants. The Complainants may submit their rejoinder, if any, within one week from the date of receipt thereof.

Digitally signed by
Ipsita Mitra
Date: 01-10-2026
13:33:42

(Ipsita Mitra)

Dy. Chief Commissioner For Persons with Disabilities