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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CCPD/14661/1022/2023

In the matter of:

Complainant:

Shri Sandeep Tyagi

Versus

Respondent:

The Commissioner,
Kendriya Vidyalaya Sangathan

1. Gist of the Complaint

1.1 Shri Sandeep Tyagi, a person with 45% locomotor disability, filed the present complaint alleging discrimination in his posting to the post of Senior Secretariat Assistant (SSA) under the Kendriya Vidyalaya Sangathan (KVS) Direct Recruitment 2022–23. The Complainant submitted that he was already serving as Junior Secretariat Assistant (JSA) at KV No. 2, Air Force Station Hindon, Ghaziabad, where the post of SSA had remained vacant since 04.10.2023. However, despite the availability of the vacancy and repeated reporting of the same by the Agra Region, he was posted approximately 200 km away at KV Hathras.

1.2 The Complainant further submitted that, in a similar case at KV Bulandshahr, another selected candidate had been permitted to continue at the same school, whereas he, despite being a person with benchmark disability and having recently secured transfer near his hometown after serving for five years in Chhattisgarh, had again been displaced. He, therefore, requested that he be appointed against the vacant SSA post at KV No. 2, AFS Hindon, Ghaziabad.

2. Notice Issued

2.1 The matter was taken up with the Commissioner, Kendriya Vidyalaya

Sangathan, vide notice dated 01.12.2023, citing the statutory provisions of the Rights of Persons with Disabilities Act, 2016, including Section 20(5) thereof, and Government instructions, including DoPT O.M. No. 36035/3/2013-Estt.(Res.) dated 31.03.2014. A final reminder was issued on 15.01.2024.

3. Letter Containing the Legal Framework

3.1 A separate communication dated 29.01.2024 was forwarded to the Respondent enclosing the legal framework governing posting, transfer and retention of employees with disabilities and caregivers of dependent persons with disabilities, in light of the Rights of Persons with Disabilities Act, 2016 and applicable Government instructions.

4. Reply Filed by the Respondent

4.1 The Assistant Commissioner (Estt. II/III), in the reply dated 14.02.2024, submitted that the case of the Complainant was examined in consultation with the Deputy Commissioner, Agra Region. It was stated that the Complainant was selected to the post of SSA through Direct Recruitment and had mentioned Raipur, Chhattisgarh as his address in the recruitment application form and not Ghaziabad.

4.2 The Respondent further submitted that the distance between Raipur and KV Hathras, and between Raipur and KV No. 2 Hindon, was nearly the same. It was also stated that both SSA and JSA posts were vacant at KV Hathras at the relevant time and that the posting was made keeping in view organisational requirements and the rights of persons with disabilities.

4.3 The Respondent further clarified that the Complainant's request for transfer to KV No. 2, Hindon on disability grounds would be considered along with other similarly placed employees, subject to eligibility and priority under the annual request transfer process.

5. Rejoinder Filed by the Complainant

5.1 In his rejoinder dated 21.03.2024, the Complainant denied the explanation furnished by the Respondent and clarified that the KVS recruitment form required only the present correspondence address, due to which Raipur was mentioned, whereas his permanent address had always been Ghaziabad, as reflected in his official records.

5.2 The Complainant further submitted that the Respondent's reliance upon the

distance from Raipur was misplaced, as he had already been serving at KV No. 2, AFS Hindon, Ghaziabad, nearly two months prior to declaration of the final result, and the same had been duly communicated to the Agra Regional Office. Despite availability of a vacant SSA post at KV No. 2, Hindon, he was posted to KV Hathras.

5.3 It was also submitted that during document verification and in subsequent representations, the Complainant had repeatedly disclosed his permanent address as Ghaziabad. He, therefore, reiterated his request for posting against the vacant SSA post at KV No. 2, AFS Hindon, Ghaziabad.

6. Submissions Made by the Respondent in Response to the Legal Framework Letter

6.1 The Assistant Commissioner (Estt. II/III), through an e-mail dated 15.05.2024, submitted that the KVS Transfer Policy, 2023 had been implemented and is governed by a system of Transfer Counts and Displacement Counts, under which employees with higher transfer counts are accorded priority over those with lower counts.

6.2 The Respondent further submitted that the Transfer Policy contains special provisions for employees with disabilities. Employees with benchmark disabilities are granted an additional +40 Transfer Counts to facilitate posting at preferred stations and are also given -20 Displacement Counts to reduce the likelihood of displacement from a preferred station. It was further submitted that caregivers of dependent persons with disabilities are also extended due consideration during routine transfers, subject to administrative feasibility.

7. Action Taken Report (ATR) Filed by the Respondent

7.1 The Assistant Commissioner, in communication dated 23.07.2024, submitted that the Complainant's posting to the post of SSA on direct recruitment was made after due consideration. It was further stated that during the Annual Request Transfer cycle of 2025, the Complainant had applied online seeking transfer to Ghaziabad, Murad Nagar, Noida, Greater Noida and Babugarh as preferred stations.

7.2 The Respondent submitted that, although the Complainant had been granted the prescribed weightage applicable to persons with disabilities under the KVS Transfer Policy, his transfer request could not be accommodated due to non-availability of vacancies at the preferred stations at the relevant time.

8. Hearing

8.1 A hearing in the matter was conducted in hybrid mode on 20.11.2025. The following parties/representatives were present:

S. No.	Name and Designation	For Complainant/Respondent	Mode of Attendance
1.	Shri Sandeep Tyagi	Complainant	Offline
2.	Shri Saurabh Jaitly, Assistant Commissioner, KVS HQ	Respondent	Online

9. Record of Proceedings

9.1 The Complainant submitted that he had initially been serving as Junior Secretariat Assistant (JSA) in KVS, Raipur, Chhattisgarh, and was subsequently transferred to Ghaziabad near his hometown. Upon selection to the post of Senior Secretariat Assistant (SSA), he was posted to KV Hathras in the Agra Region, approximately 200 km away from his hometown, despite the availability of a vacant SSA post at KV No. 2, AFS Hindon, Ghaziabad. The Complainant contended that, being a person with benchmark disability, his request for retention at Ghaziabad was rejected without adequate justification.

9.2 The Respondent submitted that the Complainant had the opportunity to seek transfer through the annual transfer process and that he had not applied during the transfer cycle of 2024. It was further submitted that no vacancy was available at Ghaziabad during the transfer cycle of 2025.

9.3 The Court sought clarification regarding the current vacancy position and the status of the Complainant's transfer request. The Respondent submitted that no vacancy presently exists at the preferred stations and that the Complainant may apply afresh as and when a vacancy arises.

10. Observations and Recommendations

10.1 The Court observed that Section 20 of the Rights of Persons with Disabilities Act, 2016 casts an obligation upon establishments to ensure non-discrimination and provide reasonable accommodation to employees with disabilities. The Court further observed that transfer and posting policies must be implemented in a

manner consistent with the principles of equality, dignity and reasonable accommodation embodied under the Act.

10.2 The Court further noted that the Hon'ble Supreme Court in *Vikash Kumar v. Union Public Service Commission* [(2021) 5 SCC 370] held that reasonable accommodation is a facet of substantive equality and that administrative convenience cannot override the rights of persons with disabilities. Further, in *Jeeja Ghosh v. Union of India* [(2016) 7 SCC 761], the Hon'ble Supreme Court emphasized that dignity, non-discrimination and accessibility are integral components of the rights guaranteed to persons with disabilities under the Constitution and disability rights jurisprudence.

10.3 In view of the above, the Court observed that merely uploading transfer policies on the official website may not sufficiently ensure awareness among employees with disabilities regarding their entitlements and procedural safeguards. Accordingly, the Respondent is advised to conduct periodic awareness and sensitization programmes for employees with disabilities regarding transfer, promotion and retention policies, including the benefits, limitations and procedural requirements applicable to them.

10.4 The Respondent is further advised to ensure that requests made by employees with benchmark disabilities are considered in a transparent, fair and reasoned manner in accordance with the provisions of the Rights of Persons with Disabilities Act, 2016 and applicable Government instructions.

10.5 The Respondent shall submit a Action taken report within 60 days from the date of issuance of this Order.

11. Accordingly, the case is disposed of.

Digitally signed by
S Govindaraj
Date: 22-05-2026
14:28:11

(S. Govindaraj)
Commissioner for Persons with Disabilities