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**
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
Email: ccpd@nic.in; Website: www.ccdisabilities.nic.in

Case No: CCPD-OF-0062/1022/2026

In the Matter of

Complainant

Shri Rajendra Singh

Versus

Respondent(s)

The Commissioner, Navodaya Vidyalaya Samiti (NVS)

1. Gist of the Complaint

1 . 1 Shri Rajendra Singh, working as TGT (Mathematics) in the Navodaya Vidyalaya Samiti (NVS), submitted that he suffered a serious accident while performing official escort duty in 2008, which resulted in permanent disability. Despite his disability, he continued to serve the organization and became eligible for promotion through the Limited Departmental Examination (LDE). However, he alleged that NVS did not provide the reservation benefits and reasonable accommodation available to persons with disabilities during the promotion process. He further submitted that he was denied promotion through the LDE-2018 and that the promotion rules and examination process were applied in a manner that adversely affected employees with disabilities. The complainant also stated that under the Annual Transfer Drive (ATD)-2026, he was transferred from Rajasthan to Gujarat. Considering his severe disability, he requested cancellation or modification of the transfer order and submitted several representations to the authorities. However, his requests were not accepted.

2. Hearing (I)

2.1. A preliminary hearing was conducted, in Case No: CCPD-AD-0067/2026, on

30.06.2026 in hybrid mode, wherein the following parties/representatives were present:

Sl. No.	Name of the Parties / Representatives	On Behalf of
1.	Shri Rajendra Singh, TGT Mathematics	Complainant
2.	Krishna Gaur, Navodaya Vidyalaya Samiti (NVS)	Respondent

3. Record of Proceedings

3.1 During the proceedings, the Respondent submitted that reservation instructions for PwD candidates were issued by the DoPT only in 2022, that the Complainant had participated as a general candidate in the 2018 LDE without securing the prescribed qualifying marks, and that although relaxed qualifying standards were introduced in the 2022 and 2024 LDE cycles, he still failed to qualify. Regarding the transfer, the Respondent maintained that it was an extraordinary administrative measure necessitated by large-scale student-parent agitation at JNV Sikar, resulting in the transfer of all 37 staff members, and not a punitive action. It was further stated that while the Complainant was initially transferred to JNV Bharuch, Gujarat, his subsequent request for modification was accommodated by posting him to JNV Patan, Gujarat.

3.2 The Complainant contested the Respondent's version, asserting that he had never voluntarily opted for a posting in Gujarat and had only accepted the modified posting after his request for a home-district or nearby station was rejected, leaving him with no practical alternative. He also categorically denied any involvement in the agitation at JNV Sikar that led to the mass transfers. Upon hearing both parties, the Court observed that there were material disputes regarding the circumstances of the transfer, the Complainant's alleged willingness to accept the Gujarat posting, and the implementation of relaxed promotion criteria, all of which required documentary verification. Accordingly, the Court directed both parties to file detailed written submissions supported by relevant documentary evidence, including transfer policies, representations, posting requests, LDE records, roster sheets, and applicable rules, within fifteen days, with copies to be exchanged simultaneously. The parties were further granted an additional seven days to file their respective rejoinders, after which the Court would examine the complete record and pass a final order on the merits of the case.

4. Submissions by the Respondent

4.1 The respondent, Navodaya Vidyalaya Samiti (NVS), in their reply vide letter dated 14.07.2026, stated that the transfer of the complainant, Shri Rajendra Singh (TGT Maths), from JNV Sikar to JNV Patan was not a routine exercise or punitive in nature, but an administrative necessity. The Samiti explained that following a tragic student suicide at JNV Sikar that triggered widespread protests, political scrutiny, and statutory interventions, all 37 teaching and non-teaching staff members were uniformly relocated to restore order and resume normal academic operations. Under current NVS policy, employees must complete a mandatory two-year lock-in period at a new station before becoming eligible for a request transfer, a rule that applies equally to priority categories, including persons with benchmark disabilities (PwBD). Furthermore, regarding Traveling Allowance (TTA) benefits, NVS clarified that while his initial transfer to JNV Bharuch included TTA, his subsequent relocation to JNV Patan was granted on his own request under the PwBD priority category, making him ineligible for TTA as per Government of India rules.

4.2 Regarding promotion benefits and compensation claims, the respondent stated that the DoPT guidelines on PwBD reservation in promotions were not in force during the Limited Departmental Competitive Examination (LDCE) 2018, and although PwBD relaxations and earmarked vacancies were implemented in the subsequent 2022 and 2024 LDCEs, Shri Rajendra Singh failed to secure the minimum qualifying marks in all three attempts. Addressing his 2008 accident compensation request, NVS highlighted that he had already been advised to seek damages from the responsible third parties (the Electricity Department and bus owner). The respondent affirmed that he has consistently received all entitled PwBD benefits, including 95 days of disability leave, double Transport Allowance, and prior transfer protection that allowed him to remain at JNV Sikar for over 25 years. Consequently, asserting that no discrimination was meted out to the complainant, NVS requested the Court to dispose of the complaint and drop the proceedings.

5. Rejoinder

5 . 1 The complainant, in his rejoinder dated 22.07.2026, stated that the respondent, Navodaya Vidyalaya Samiti, has tried to mislead the Court by submitting 162 pages of irrelevant documents that fail to establish any factual, legal, or administrative justification for his mid-session transfer. He emphasized that none of the submitted records indicate any fault, charge, misconduct, negligence, or administrative failure on his part. He further highlighted that while

several teachers were transferred during the session or in the annual transfer drive (ATD-2026) to preferred locations within the Jaipur Region (comprising Rajasthan, Haryana, and Delhi), he was neither permitted to participate in ATD-2026 nor given a posting in the Jaipur Region despite existing vacancies and his status as a person with benchmark disabilities (PwBD).

5.2 Regarding promotion and compensation benefits, the complainant stated that under the DoPT Office Memorandum dated 28.12.2023, PwBD candidates ought to receive a 5% qualifying mark relaxation similar to other reserved categories. He pointed out that with a 40% threshold (60 marks out of 150) in LDCE 2018, his score of 61.824 marks would have qualified him for promotion. He added that he suffered his disability while on duty, yet received no compensation or satisfactory response regarding the matter. Asserting that the respondent has failed to provide convincing answers to any of his queries, he urged the Court to pass an appropriate order based on the core merits of his case.

6. Hearing (II)

6.1 A hearing was conducted on 24.07.2026 in hybrid mode, wherein the following parties/representatives were present:

Sl. No.	Name of the Parties / Representatives	On Behalf of
1.	Shri Rajendra Singh, TGT Mathematics	Complainant
2.	Krishna Gaur, Navodaya Vidyalaya Samiti (NVS)	Respondent

7. Record of Proceedings

7.1 During the proceedings, he Respondent contended that the Complainant's transfer was not an isolated or punitive action but formed part of an extraordinary administrative exercise necessitated by an unprecedented student-parent agitation at JNV Sikar, which had rendered the functioning of the school impossible. Consequently, all 37 staff members, including persons with disabilities, employees with medical conditions, and spouse-category employees, were transferred. The Respondent argued that the Complainant was not singled out and that the transfer was undertaken purely in administrative exigency. It was further submitted that retention at the previous station was no longer feasible due to the absence of a vacancy for the post of TGT (Mathematics), although the administration could consider adjustment at another station if directed. The Respondent also relied

upon a previous judicial precedent involving similar administrative circumstances to contend that the protections ordinarily available to persons with disabilities may be relaxed in exceptional situations arising from overriding administrative necessity.

7.2 The Complainant disputed the Respondent's justification for the transfer, maintaining that he had no active involvement in the agitation or any misconduct that could warrant his displacement. He emphasized that despite being grouped with the other transferred employees, his case required separate consideration owing to his status as a person with disability and the absence of any allegation that he had instigated or actively participated in the incidents relied upon by the Respondent. The Complainant further submitted that he had already filed his written rejoinder and supporting documents before the Court and reiterated that his request for posting to a station nearer to his home region had not been accepted by the authorities. He contended that the Respondent's decision failed to adequately consider his disability-related needs and sought relief on the ground that his transfer ought to have been assessed independently rather than being treated as part of a blanket administrative action affecting all employees.

8. Observation and Recommendations

8.1 The Court notes that administrative exigencies and extraordinary circumstances may warrant transfers in the interest of institutional administration. However, such administrative power is required to be exercised consistently with the obligations of equality, non-discrimination and reasonable accommodation under Sections 3 and 20 of the RPwD Act, 2016. The Court therefore considers that the transfer of a PwBD employee cannot be assessed solely by reference to the fact that other employees were also transferred, and that the individual disability-related circumstances of the employee require due consideration.

8.2 In the present case, the Respondent has established that the transfer of all 37 employees arose from an extraordinary administrative situation at JNV Sikar. The Court does not find sufficient material to conclude that the Complainant's transfer was punitive or that he was individually targeted. At the same time, the material on record does not adequately demonstrate that, before implementing the transfer, the Respondent independently assessed the Complainant's disability-related requirements, mobility constraints and the feasibility of an alternative posting closer to his home region.

8.3 The Court further observes that the Complainant's subsequent acceptance of JNV Patan, Gujarat, requires to be understood in the factual context in which it occurred. Where an employee initially subjected to an administrative transfer seeks an alternative posting on disability-related grounds and ultimately accepts a

modified posting after his preferred location is not made available, such acceptance cannot, without further examination, be treated as conclusive evidence that the resulting transfer was wholly voluntary. This aspect is also relevant for determining consequential service benefits such as TTA.

8.4 With respect to the LDCE-2018, the Court finds that the PwBD reservation-in-promotion framework relied upon by the Complainant was not in operation in its present form at the time of the 2018 examination. The subsequent DoPT instructions cannot ordinarily be applied retrospectively to reopen the result of the completed 2018 examination. The Complainant's contention that his marks would have enabled him to qualify after application of a later relaxation therefore does not, by itself, establish a legal entitlement to promotion from the 2018 examination.

8.5 As regards the subsequent LDCE cycles of 2022 and 2024, the Respondent has stated that PwBD candidates were provided the applicable reservation/relaxation benefits. The material presently placed before the Court does not establish that the Complainant was denied an applicable statutory benefit or reasonable accommodation in either of those examination processes. Accordingly, no direction for retrospective promotion on the basis of the 2018 LDCE is warranted on the material presently available.

8.6 The Court, however, considers that the Respondent should ensure, in all future promotional examinations and selection processes, that the applicable PwBD reservation, relaxation and reasonable-accommodation provisions are expressly incorporated and communicated to eligible employees, and that examination records demonstrate their proper implementation.

8.7 Regarding the Complainant's claim arising from the 2008 accident, the Court notes that the Respondent has acknowledged the accident and has stated that certain disability-related service benefits were subsequently extended to him. However, the record does not demonstrate that the Complainant's separate claim for compensation or other relief arising from an injury allegedly sustained while performing official escort duty was examined under the specific service rules and Government instructions applicable to such circumstances.

8.8 The Court therefore considers it appropriate that the Respondent examine the said claim afresh, identify the precise rules governing an injury/disability sustained in the course of official duty, and communicate a reasoned decision to the Complainant. This shall be without prejudice to any remedy that may independently be available to the Complainant against third parties under law.

8.9 In view of the above, the Respondent, Navodaya Vidyalaya Samiti, is

recommended to examine the feasibility of posting/adjusting the Complainant, Shri Rajendra Singh, TGT (Mathematics), against a suitable vacant post at a Jawahar Navodaya Vidyalaya in his home district or, failing that, at an appropriate nearby station within the Jaipur Region, Rajasthan, having due regard to the applicable transfer policy, availability of vacancy and administrative requirements. While undertaking such consideration, the Respondent shall keep in view the Department of Personnel and Training (DoPT) Office Memorandum No. 36035/44/2023-Estt. (Res-II) dated 02.02.2024, which consolidates and reiterates the earlier DoPT O.M. No. 36035/3/2013-Estt.(Res) dated 31.03.2014 on facilities for Government employees with disabilities. Paragraph H ("Preference in transfer/posting") of the said guidelines specifically provides that, as far as possible, persons with disabilities should be exempted from rotational transfer, allowed to continue in the same post where they have achieved optimum performance, and given preference in the place of posting at the time of transfer or promotion, subject only to administrative constraints. The guidelines further direct that the established practice of considering the choice of place of posting of employees with disabilities should continue and that, to the extent feasible, they should be retained where their services can be optimally utilised. These instructions have subsequently been reaffirmed by DoPT O.M. No. 36035/4/2024-Estt.(Res-II) dated 11.03.2024, which clarifies that all Ministries, Departments and organisations under the Central Government are to follow the consolidated instructions regarding posting and transfer of Persons with Disabilities.

8.10. Accordingly, the Respondent's consideration of the Complainant's request should not be confined to the existence of a vacancy alone, but should also reflect the statutory objective of facilitating continued employment with dignity through reasonable preference in posting, particularly where accommodation can be achieved within the same city, home district or nearby station without causing disproportionate administrative difficulty. This approach is also consistent with the manner in which the Central Administrative Tribunal has relied upon Paragraph H of the DoPT O.M. while examining transfer disputes involving employees with disabilities, recognising that the expression "as far as possible" requires a genuine and reasoned consideration rather than a mechanical rejection.

8.11 While undertaking the above exercise, the Respondent may also examine whether the prescribed two-year lock-in period can be relaxed in the Complainant's case, if such relaxation is permissible under the applicable NVS policy, keeping in view the principles of reasonable accommodation and the Complainant's disability-related circumstances. The Respondent is further recommended to reconsider the Complainant's claim for Transfer Travelling Allowance, by examining the complete sequence of the original transfer from JNV Sikar to JNV Bharuch and the subsequent modification to JNV Patan, and by determining whether, under the

applicable rules, the latter posting constituted a voluntary transfer or an administrative adjustment consequential to the original transfer.

8.12 The Respondent is also recommended to examine the Complainant's representation concerning the 2008 accident and resultant permanent disability under the applicable service rules, Government instructions and other relevant provisions, and to pass a reasoned order communicating the outcome to the Complainant. The Respondent shall submit an **Action Taken Report within 30 days** from the date of receipt of this Order, specifically indicating the action taken on the recommendations contained in paragraphs 8.9 to 8.10. Failure to do so may compel this Court to initiate action as per sections 89 and 93 of the RPwD Act, 2016. Consequently, the Court has determined no further intervention necessary.

9 Accordingly, the case is disposed of.

Digitally signed by
S Govindaraj
Date: 22-10-2026
14:34:13

(S. Govindaraj)
Commissioner for Persons with Disabilities