



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 7619 OF 2026

Shritij Mohan Shrivastava

...Petitioner

Vs.

The Reserve Bank of India, through the
Reserve Bank of India Services Board & Anr.

...Respondents

Mr. Shanay Shah a/w. Mr. Tejas Popat, Mr. Aansh Desai i/b. Pythagoras Legal for the petitioner.

Mr. Prasad Shenoy a/w. Mr. Pradeep Mane, Ms. Shubhi Dutiya i/b. Desai and Diwanji for respondent no. 1.

CORAM: G. S. KULKARNI &
AARTI A. SATHE, JJ.
DATE: 5 AUGUST, 2026.

ORAL JUDGMENT: (Per G.S. Kulkarni, J.)

1. This petition under Article 226 of the Constitution of India is filed praying for the following substantive reliefs:

“a) Issue a Writ of Certiorari or any other appropriate writ, or direction quashing and setting aside the impugned rejection communication dated February 13, 2026 (Exhibit ‘E’) and the subsequent clarificatory email dated February 16, 2026 (Exhibit ‘F’ Colly) issued by respondent no. 1.

b) Issue a Writ of Mandamus or any other appropriate writ, order of direction, commanding the respondent no. 1 to forthwith reinstate the petitioner’s candidature and permit him to appear for the interview for the post of ‘Officer in Grade B(DR) – General’.”

2. Thus, the challenge as mounted by the petitioner is to the action of respondent no. 1-Reserve Bank of India dated 13 February, 2026 and 16 February, 2026 rejecting the petitioner’s candidature for the post of Grade ‘B’ Officer. It is the petitioner’s contention that the rejection is based on the erroneous premise that while the petitioner meets the disability criteria as

notified/advertised of Autism Spectrum Disorder (Mild), the presence of another disability, namely, Learning Disability (Dyslexia/Dysgraphia) renders him unsuitable, despite his proven academic and professional track record.

3. The facts lie in a narrow compass : On 29 June, 2022, the petitioner was issued a Permanent Disability Certificate and UDID Card by Lokmanya Tilak Municipal General Hospital and Medical College, Sion, Mumbai certifying the petitioner as having disability to the effect “Autism Spectrum Disorder with Learning Disability” (60% Permanent Disability).

4. Mr. Shanay Shah, learned counsel for the petitioner has submitted that the score of the petitioner was 105 and at the relevant time, 60% disability of such nature was considered as a mild disability, although the criteria have undergone a further change to consider such disability to be moderate. However, it is his contention that the score of 105 even otherwise makes the disability to be mild in the petitioner’s case.

5. On 10 September, 2025, respondent no. 1 issued an advertisement for recruitment to the post of Officers in Grade ‘B’. In para 8(2) of the advertisement, the requirement as provided qua the “For Persons with Benchmark Disabilities (PwBD)”, was to the following effect:

8	For Persons with Benchmark Disabilities (PwBD)	(1) As per OM No.36035/02/2017-Estt(Res) dated January 15, 2018 issued by Department of Personnel & Training (DoPT), Government of India regarding ‘Reservation for the Persons with Benchmark Disabilities’, the four categories of disabilities are as under: <table><tr><td>a) blindness and low vision</td><td>b) deaf and hard of hearing</td></tr><tr><td>c) locomotor disability</td><td>d) autism, intellectual</td></tr></table>	a) blindness and low vision	b) deaf and hard of hearing	c) locomotor disability	d) autism, intellectual
a) blindness and low vision	b) deaf and hard of hearing					
c) locomotor disability	d) autism, intellectual					

including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy;	disability, specific learning disability and mental illness;
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e) multiple disabilities from amongst persons under clauses (a) to (d) including deaf-blindness.
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(2) The Bank has identified the following categories suitable for the posts mentioned below along with the Functional Requirements and only the following categories of PwBD candidates are, therefore, eligible to apply for the posts:

Sr. No.	Name of Post	Suitable category of Benchmark Disabilities*	Functional Requirements**					
1.	Officer in GR 'B' – GENERAL /DEPR/DS IM	<table><tr><td>a) B, LV</td></tr><tr><td>b) HH</td></tr><tr><td>c) OA, BA, OL, BL,OAL, BLA, BLOA, CP, LC, Dw, AAV, Mdy, SD/SI</td></tr><tr><td>d) ADS(M), MI</td></tr><tr><td>e) MD involving (a) to (d) above</td></tr></table>	a) B, LV	b) HH	c) OA, BA, OL, BL,OAL, BLA, BLOA, CP, LC, Dw, AAV, Mdy, SD/SI	d) ADS(M), MI	e) MD involving (a) to (d) above	S, W, MF, RW SE, C
a) B, LV								
b) HH								
c) OA, BA, OL, BL,OAL, BLA, BLOA, CP, LC, Dw, AAV, Mdy, SD/SI								
d) ADS(M), MI								
e) MD involving (a) to (d) above								

* Category Abbreviations Used

B=Blindness, LV=Low Vision, HH=Hard of Hearing, OA=One Arm, BA=Both Arms, OL=One Leg, BL=Both Legs, OAL=One Arm and One Leg, BLA=Both Legs Arms, BLOA=Both Legs & One Arm, CP=Cerebral Palsy, LC=Leprosy Cured, Dw=Dwarfism, AAV=Acid Attack Victim, MDy=Muscular Dystrophy, SD/SI=Spinal Deformity and Spinal Injury with/without any associated neurological/limb dysfunction, ASD(M)=Autism Spectrum Disorder(Mild), MI= Mental illness, MD=Multiple Disabilities.

** Functional Requirements

S=Sitting, W=Walking, MF=Manipulation with Fingers, RW=Reading & Writing, SE=Seeing, C=Communication.

(3) PwBD candidates may belong to any category (i.e. General/SC/ST/OBC/EWS). Reservation for PwBD is horizontal and within the overall vacancies for the posts subject to the posts having been identified suitable for such

		disabilities. (4) PwBD candidates should possess a latest disability certificate issued by a Competent Authority as prescribed vide 'The Rights of Persons with Disabilities Act, 2016' (RPwD Act, 2016). Such certificate shall be subject to verification/re-verification, as may be decided by the Board/Competent Authority. (5) Backlog vacancies reserved for PwBD would be filled by a person with benchmark disability in the respective category. If no suitable person from that category is available, such backlog vacancies would be filled up by interchange among other eligible PwBD candidates subject to the posts having been identified suitable for such disabilities as stated at Para 8(2) above. Note: a) DoP&T in consultation with Department of Empowerment of Persons with Disabilities(DEPwD) vide OM No. 36035/8/2023-Estt.(Res-II) dated May 19, 2023 has advised that it may not be appropriate to grant the benefit of reservation in jobs which are permanent in nature on the basis of temporary certificate of disability as this will have adverse bearing on genuine persons with benchmark disabilities with irreversible permanent disability. b) A person who want to avail benefit of reservation will have to submit a permanent disability certificate issued by a competent authority as per Government of India guidelines issued time to time in this regard and this certificate will be subject to verification/re-verification as may be decided by the Bank/Board. c) Candidate should possess permanent disability certificate/s in the prescribed format issued by the Competent Authority issued prior to the closing date of application.
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6. Clause 11 provides for “Candidates to ensure their Eligibility for the Posts” in terms of the following criteria:

11	Candidates to ensure their Eligibility for the Posts	Before applying, candidates should ensure that they fulfill the eligibility criteria for the advertised posts. Reserve Bank of India Services Board would admit to the Examinations all the candidates applying for the post with the requisite Fee/Intimation Charge (wherever applicable) based on the information furnished in the <u>ONLINE application</u> and shall determine their eligibility only at the <u>final stage i.e., interview stage</u>. If at that stage, it is found
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		<u>that any information furnished in the ONLINE application is false/incorrect or if according to the Board, the candidate does not satisfy the eligibility criteria for the post, his/her candidature will be cancelled and he/she will not be allowed to appear at the interview and claim any reimbursement towards travelling. Such candidates can be removed from the Bank's services without notice if he/she has already joined the Bank.</u>
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7. On such backdrop, the petitioner having participated and submitted all credentials, on 13 February, 2026, the petitioner was issued the impugned communication by which the petitioner was informed that the petitioner's candidature had been rejected and that he would not be allowed to appear for the interview for the reason that the petitioner did not meet the specified criteria of disabilities as per the advertisement in question. The impugned communication is required to be noted, which reads thus:

"RBISB.RECRUIT No. S563/02.03.004/2025-26

February 13, 2026

Shri Shritij Mohan Shrivastava
Flat No. 203-204 Raheja Crest-1,
Off New Link Road, Lokhandwala
Andheri West – 400 053.
Mumbai Suburban
Maharashtra.

Registration No. 901630, Roll No. 2042000108

Dear Candidates

Direct Recruitment for the Posts of Officers in Grade 'B' (Direct Recruit-DR) (On Probation-OP) (General/DEPR/DSIM) Cadres – Panel Year – 2025 – Rejection Advice.

Please refer to your e-mail dated January 24, 2026, submitting copies of certificates/documents in connection with the interview for the captioned post.

2. In this regard, a reference is invited to Para 8(2) of the Detailed Notice to Advertisement No. RBISB/DA/03/2025-26 dated September 10, 2026, reproduced verbatim as follows:

"The Bank has identified the following categories suitable for the posts mentioned below along with the Functional Requirements and only the

following categories of PwBD candidates are, therefore, eligible to apply for the posts:

Sr. No.	Name of Post	Suitable category of Benchmark Disabilities*	Functional Requirements**
1.	Officer in GR 'B' – GENERAL/DEPR/DSIM	a) B, LV b) HH c) OA, BA, OL, BL, OAL, BLA, BLOA, CP, LC, Dw, AAV, Mdy, SD/SI d) ADS(M), MI e) MD involving (a) to (d) above	S, W, MF, RW, SE, C

* Category Abbreviations Used

B=Blindness, LV=Low Vision, HH=Hard of Hearing, OA=One Arm, BA=Both Arms, OL=One Leg, BL=Both Legs, OAL=One Arm and One Leg, BLA=Both Legs Arms, BLOA=Both Legs & One Arm, CP=Cerebral Palsy, LC=Leprosy Cured, Dw=Dwarfism, AAV=Acid Attack Victim, MDy=Muscular Dystrophy, SD/SI=Spinal Deformity and Spinal Injury with/without any associated neurological/limb dysfunction, ASD(M)=Autism Spectrum Disorder(Mild), MI=Mental illness, MD=Multiple Disabilities.

** Functional Requirements

S=Sitting, W=Walking, MF=Manipulation with Fingers, RW=Reading & Writing, SE=Seeing, C=Communication.

3. The Disability Certificate No. MH2391119980300264 dated June 29, 2022 issued by the Lokmanya Tilak Municipal General Hospital and Medical College, Sion, Mumbai, Maharashtra submitted vide your e-mail dated January 24, 2026, certifies your case as Autism Spectrum Disorder with Learning Disability (Dyslexia and Dysgraphia)(60% Permanent Disability). Hence, you do not meet the specified criteria as per the Advertisement No. RBISB/DA/03/2025-26 dated September 10, 2025.

4. In view of the above, we regret to inform that your candidature has been rejected and you will not be allowed to appear for the interview. Consequently, the interview Call Letter dated January 28, 2026, sent to your registered e-mail id stands withdrawn.”

(emphasis supplied)

8. The petitioner made a representation dated 14 February, 2026 explaining the correct position that he could not have been held to be ineligible considering the aforesaid criteria, however, such representation was rejected by the impugned communication dated 16 February, 2026. On the aforesaid backdrop, the present

petition was filed.

9. We may observe that the present proceedings were heard extensively by the co-ordinate Bench of this Court, on the earlier occasion, i.e., on 17 March, 2026 when a detailed order came to be passed, whereby the Court has rejected the contentions of the RBI that the petitioner would not be eligible. The Court observed that the rejection of the candidature of the petitioner merely on the ground that the petitioner is also suffering from learning disability (Dyslexia and Dysgraphia) *prima facie* was unsustainable. It was observed that RBI in the impugned communication read with the clarificatory email, although admitted that the petitioner suffers from ASD(M), being the criteria for the subject post, however, he was held to be ineligible, merely because the petitioner was suffering from a learning disability. The Court relying on the decisions as referred to in paragraphs 10, 11 and 12 of the said order, by way of ad-interim relief, permitted the petitioner to appear for the interview and ordered that the petitioner's candidature cannot be rejected on the premise that he is also suffering from learning disability (Dyslexia and Dysgraphia), however, subject to the final outcome of this Writ Petition. The interim order, in our opinion, is significant, considering the complexion of the rival contentions, which needs to be noted, and is accordingly extracted hereunder:

“1. The Petitioner has served the Respondents by way of private service and undertakes to file Affidavit of Service by tomorrow i.e. 18th March, 2026.

2. By this Writ Petition, the Petitioner has sought for setting aside of the impugned rejection communication dated 13th February, 2026 and the subsequent clarificatory email dated 16th February, 2026 issued by Respondent No.1. Further, direction is sought against Respondent No.1 to forthwith reinstate the Petitioner's candidature and permit him to appear for the interview for the post of 'Officer in Grade B (DR) – General'.

3. This Petition has been moved by Mr. Shanay Shah, the learned Counsel appearing for the Petitioner on the ground of urgency in that the interview process is being conducted by the Respondent No.1 – Reserve Bank of India (“RBI”) for the post of ‘Officer in Grade B (DR) - General’ and by virtue of the impugned communication dated 13th February, 2026 and subsequent clarificatory email dated 16th February, 2026, the Petitioner is unable to appear for the interview.

4. Mr. Shah has taken this Court through the advertisement dated 10th September, 2025 which had been issued by the Respondent No.1 – RBI for Direct Recruitment for the Posts of Officers in Grade ‘B’ (Direct Recruit-DR) (On Probation-OP) (General/DEPR/DSIM) Cadres – Panel Year-2025 in RBI. He has in particular referred to Item No.8 ‘For Persons with Benchmark Disabilities (PwBD)’ of the table titled Detailed Notice forming part of the advertisement. This identifies the four categories of disabilities and which include autism, intellectual disability, specific learning disability and mental illness.

5. Mr. Shah has also referred to sub-para 2 of Item No.8 which states that the bank has identified the following categories suitable for the posts mentioned below along with the functional requirements and only the following categories of PwBD candidates are therefore eligible to apply for the posts. For the Officers in Gr. ‘B’, the suitable category of Benchmark Disabilities is mentioned as ASD(M), MI, which stands for Autism Spectrum Disability (Mild) and Mental Illness.

6. Mr. Shah has also referred to Item No.11 viz. candidates to ensure their eligibility for the posts and provides that based on the online application, the candidates eligibility shall be determined only at the final stage i.e. interview stage. If at that stage, it is found that any information furnished in the online application is false / incorrect or if according to the board, the candidate does not satisfy the eligibility criteria for the post, his/her candidature will be cancelled and he/she will not be allowed to appear at the interview and claim any reimbursement towards traveling. Such candidates can be removed from the bank’s services without notice if he/she has already joined the bank.

7. Mr. Shah has then referred to the impugned communication dated 13th February, 2026 which is issued to the Petitioner by the Respondent No.1 – RBI, wherein reference has been invited to Item 8(2) of the detailed notice to advertisement dated 10th September, 2025 and in paragraph 3 it is stated that the Disability Certificate dated 29th June, 2022 issued by the Lokmanya Tilak Municipal General Hospital and Medical College, Sion, Mumbai certifies the case as Autism Spectrum Disorder with Learning Disability (Dyslexia and Dysgraphia) (60% permanent disability) and in view of which the Petitioner does not meet the specific category as per the said advertisement. Accordingly, the Petitioner’s candidature has been rejected and he has been disallowed from appearing for the interview. The interview call letter dated 28th January, 2026 sent to the Petitioner’s registered email has accordingly been withdrawn.

8. Mr. Shah has further referred to the clarificatory email dated 16th February, 2026 issued by the Respondent No.1 – RBI to the Petitioner wherein it is stated that as per the said advertisement, eligibility for the post is restricted to the candidates with Autism Spectrum Disorder (Mild) and that learning disability is not a suitable category for the post.

9. Mr. Shah has submitted that the said advertisement dated 10th September, 2025 has made candidates with ASD (Mild) eligible for the

Officer in Grade B ('subject post'). Further, the candidate having mental illness is also considered eligible for the subject post. He has submitted that merely because the Petitioner is having learning disability, he should not be considered ineligible taking into account that he is a person with Benchmark Disabilities (PwBD) and is required to be reasonably accommodated in the subject post.

10. Mr. Shah has referred to the Order passed by this Bench in *Asha Dhondiram Shinde v. Union of India & Anr*¹, wherein this Bench has followed the Supreme Court judgment in *Re.: Recruitment of Visually Impaired in Judicial Service* and *Sujata Bora*. In particular, this Court has referred to paragraph 67 of *Re.: Recruitment of Visually Impaired in Judicial Service*, *Suo Motu Writ Petition (Civil) 2 of 2024 : 2025 SCC OnLine SC 481* which holds that the principal of reasonable accommodation, as enshrined in International Conventions, established jurisprudence and the RPwD Act mandate that the accommodations be provided to PwDs as a pre-requisite to assessing their eligibility. In the light of the above, any indirect discrimination that results in the exclusion of PwDs, whether through rigid cut-offs or procedural barriers, must be interfered with in order to uphold substantive equality. The commitment to ensure equal opportunities necessitates a structured and inclusive approach, where merit is evaluated with due regard to the reasonable accommodations required, thereby fostering judicial appointments that truly reflects the principal of fairness and justice. The Supreme Court has considered that it is the mandate of the RPwD Act that reasonable accommodation is provided to PwDs as a pre-requisite to assessing their eligibility.

11. Mr. Shah has further relied upon the judgment in *Dharmendra Ravipratap Singh v. Municipal Corporation for Greater Mumbai* and *Ors*² at paragraphs 30, 31 and 33. This Court in the said decision has held that the eligibility conditions are also required to be understood and interpreted from the point of view of the disability which the particular specially abled person is suffering. The qualifications as contained in advertisement are to be understood and interpreted in pragmatic manner and in light of the object of the aforementioned enactments which are to be fulfilled and for furthering the said object.

12. Mr. Shah has submitted that the Madras High Court in, *K. Arvind Ramesh v. Reserve Bank of India*³, in a similar factual scenario as the present case held the Petitioner to be eligible to the subject post although not meeting the exact criteria laid down in the advertisement.

13. Mr. Shah has submitted that the Courts have accordingly taken a consistent view that reasonable accommodation is required to be granted to the Petitioners who are PwDs in determining their eligibility for the concerned post. He has accordingly submitted that necessary interim relief be granted in order to enable the Petitioner to appear for the interview without disqualifying the Petitioner on the ground that he is ineligible by reason of his suffering from learning disability, although meeting the criteria of Autism Spectrum Disorder (Mild) for the post of 'Officer in Grade B (DR) – General'.

14. Mr. Prasad Shenoy, the learned Counsel appearing for the Respondent No.1 – RBI has opposed the interim relief sought for in the present Petition.

15. Mr. Shenoy has referred to the notification issued by Ministry of Social Justice and Empowerment, Union of India, dated 4th January, 2021 in which as against the subject post of Officer Grade 'B' for RBI, the criteria specifically

mentioned for PwDs is ASD (M), MI. He has drawn a distinction with the post of Officer, Bank Policy & Planning, wherein the criteria for PwDs mentioned is ASD (M), SLD, MI. He has submitted that Union of India has in laying down the categories given due weightage to the work which each post entails and whether the PwD candidate would be able to handle such work as borne out from the column describing the same. He has submitted that the Respondent No.1 – RBI is bound by the said notification dated 4th January, 2021 and has thus incorporated the very same criteria in the said advertisement dated 10th September, 2025.

16. Having considered the submissions, we are of the prima facie view that the Petitioner who is suffering from Autism Spectrum Disorder (ASD) (Mild), which meets the criteria for the post of ‘Officer in Grade B (DR) - General’ should not be disqualified on the ground that he has in addition a learning disability (Dyslexia and Dysgraphia). The Petitioner’s eligibility is in any event required to be determined at the final stage i.e. interview stage held by the Respondent No.1 – RBI as specifically provided in the detailed notice - Item 11 of the said advertisement. Further, under Item 8 of the detailed notice ‘For Persons with Benchmark Disabilities (PwBD)’, the four categories of disabilities include Autism Spectrum Disorder (ASD), intellectual disability, Specific Learning Disability (SLD) and Mental Illness (MI). It is the contention of RBI that since the criteria for the subject post is only ASD (M), MI, the Specific Learning Disability (Dyslexia and Dysgraphia) does not fall within the said criteria. We prima facie do not find merit in this contention. We are of the prima facie view that no such distinction can be drawn i.e. by treating Specific Learning Disability differently from Autism Spectrum Disorder and/or Mental Illness. In any event, presuming such a distinction can be drawn, the Petitioner being a PwD is in accordance with settled law (Supra) required to be granted reasonable accommodation as a pre-requisite to assessing his eligibility, particularly where in this case he meets the criteria for the subject post viz. ASD (M).

17. The rejection of the candidature of the Petitioner merely on the ground that the Petitioner is also suffering from learning disability (Dyslexia and Dysgraphia) is in our prima facie view unsustainable. The Respondent No.1 – RBI in the impugned communication read with the clarificatory email although admitting that the Petitioner suffers from ASD (M) and which is the criteria for the subject post has made him ineligible merely due to the fact that the Petitioner is suffering from learning disability.

18. Accordingly, as and by way of ad-interim relief, we direct the Respondent No.1 – RBI to provisionally allow the Petitioner to appear for the interview and the Petitioner’s candidature will not be rejected on the premise that he is also suffering from learning disability (Dyslexia and Dysgraphia). This shall be subject to outcome of the present Petition.

19. The Advocates for the Respondent No.1 – RBI shall inform their clients of this ad-interim Order and shall schedule the interview of the Petitioner by tomorrow i.e. 18th March, 2026.

20. The Respondent No.1 – RBI shall file Affidavit in Reply to the Writ Petition within a period of three weeks from today.

21. The Petitioner is at liberty to file Affidavit in Rejoinder thereto within a period of one week thereafter.

22. Place the Writ Petition for further consideration on 28th April, 2026.

23. The parties shall act on an authenticated copy of this Order.”

10. By a further order dated 30 April, 2026, the co-ordinate Bench of this Court observed that further process of medical examination and the training was being undertaken by the candidates who have been recruited as Officers in Grade 'B' (Direct Recruit-DR) (On Probation-OP) (General/DEPR/DSIM) Cadres – Panel Year – 2025 as per the list released by the RBI. It was observed that at the foot of the said list, it is stated that the petitioner having been allotted Roll No. 2042000106, his final result has been kept in abeyance and is subject to the outcome of the present Writ Petition. The said list is titled “Final Results of Direct Recruitment for the Post of Officers in Grade 'B' (Direct Recruit-DR) (On Probation-OP) – General Cadre – Panel Year 2025”, which was taken on record and marked 'X' for identification. A statement was made on behalf of the RBI by Mr. Shenoy, learned counsel, that the RBI had provisionally allowed the petitioner to appear for the interview and accordingly the petitioner appeared at such interview. It was also recorded that further medical examination and training of the petitioner cannot be carried out, as the final result of the petitioner was kept in abeyance. It was also recorded that one seat for the said post shall be kept vacant for the petitioner until disposal of the Writ Petition and subject to the outcome of the petition. Such statement as made on behalf of RBI was accepted. It is on the aforesaid premise that the proceedings are listed before us today.

11. We have heard learned counsel for the petitioner as also learned counsel for the RBI. We have perused the record. In our opinion, the controversy substantially stands addressed in the interim order dated 17 March, 2026 (supra)

passed by this Court, however, as the petition was kept pending, we are now required to take a final view on the rival contentions.

12. Mr. Shah, learned counsel for the petitioner has reiterated all his submissions that the petitioner was eligible considering the eligibility criteria as prescribed “For the Persons with Benchmark Disabilities (PwBd)”. It is his submission that it was not a correct approach on the part of RBI that although the petitioner was a certified case of Autism Spectrum Disorder (Mild) as also having Learning Disability (Dyslexia/Dysgraphia), this would not have been a factor to declare the petitioner ineligible and more particularly considering the eligibility criteria as prescribed, which along with Autism Spectrum Disorder (Mild) also takes into consideration ‘mental illness’, as also a candidate having multiple disabilities. To appreciate such contention, eligibility criteria as notified for the post of Officer Grade ‘B’ vide notification dated 4 January, 2021 issued by the Department of Empowerment of Persons with Disabilities are required to be noted, which read thus:

MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT
[Department of Empowerment of Persons with Disabilities (Divyangjan)]

NOTIFICATION
New Delhi, the 4th January, 2021

No. 38-16/2020-DD-III, Whereas Section 33 of the repealed Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (hereinafter, after referred as repealed to provided for reservation of not less than 3% for persons with disabilities in the three categories namely, (i) locomotor disability including cerebral palsy, (ii) visual impairment (low vision & blindness) and (ii) hearing impairment.

2. And whereas, section 32 of the repealed Act mandated the appropriate Government to identify posts to be reserved for persons with disabilities and review such list at periodic interval not exceeding three years.

3. And whereas, in pursuance of the above provisions of the repealed Act, the

Central Government last notified the list of posts suitable for persons with disabilities through notification No. 16-15/2010-DD-III dated 29 July, 2013.

4. And whereas, the Ministry of Social Justice and Empowerment, Government of India, in pursuance of the provisions of sections 32 and 33 of the repealed Act (since repealed on 15.06.2017) had constituted an Expert Committee on the 19th November, 2015 under the chairpersonship of the Secretary, Department of Empowerment of Persons with Disabilities to review the list of Central Government posts identified suitable for Persons with Disabilities. Copy of the said order is at Annexure-A.

5. And whereas, the Expert Committee met on the 9th December, 2015 and decided that one Sub-Committee should be constituted for each of the category of disabilities which are provided reservation under section 33 of the said repealed Act and accordingly, following three Sub-Committees were constituted, namely:-

- i. Sub-Committee for locomotor disability
- ii. Sub-Committee for hearing impaired
- iii. Sub-Committee for visually impaired

6. And whereas, the Central Government notified the Rights of Persons with Disabilities Act, 2016 (hereinafter referred as "the Act") which inter-alia under sub-section (1) of section 34 extended the benefit of reservation to persons with benchmark disabilities in the new category of (i) autism, specific learning disability, mental illness and intellectual disabilities and (ii) multiple disabilities amongst the various categories mentioned in the said section of the Act.

7. And whereas, Section 33 of the said Act mandates the appropriate Government to constitute expert committee for identification of posts suitable for persons with benchmark disabilities and accordingly, following two sub-committees were further constituted to take care of identification of posts suitable for new categories included under the Act, namely; (i) Sub-Committee for autism, intellectual disabilities, specific learning disability and mental illness, and (ii) Sub-Committee for multiple disabilities.

8. And whereas, all the Sub-Committees reviewed the posts notified through notification No. 16-15/2010-DD-III dated the 29 July 2013, and submitted their reports and the Expert Committee considered the reports of the Sub-Committees in its meeting held on 19th November 2019, finalized its recommendations and submitted its report to the Central Government for consideration.

9. Now, therefore, in exercise of powers conferred upon section 33 of the said Act and based on the recommendations of the Expert Committee, the Central Government hereby notifies the gist of the report, which is at Annexure-B and the list of Central Government posts in Group A, B, C and D identified suitable for persons with benchmark disabilities which is at Annexure-C for information and further necessary action by all cadre controlling authorities in the Central Government.

10. The said list supersedes the list of posts for Groups 'A', 'B', 'C' and 'D' notified through notification No. 16-15/2010-DD-III dated 29 July, 2015.

Note 1: Persons with benchmark disabilities require aids and assistive devices to overcome their difficulties. The aids and assistive devices may be provided to persons with benchmark disabilities on their appointment keeping in view their requirement as per the instructions of DoPT issued from time to time.

Note 2: The list of posts being notified is only indicative and not an exhaustive list. If a post is not mentioned in the list, it is not to be construed that it has been exempted. Central Ministries, Departments, Autonomous Bodies Public Sector Undertakings may further supplement the list by adding to the list of posts identified for respective category of disability.

Note 3: If a post is already held by a person with benchmark disability, it shall be deemed to have been identified for that category of benchmark disability.

Note 4: If a post is identified in the feeder grade, all the posts in the promotional grade should also stand identified.

Note 5: If a post having identical nature and place of job with respect to any identified post, the post should be construed to be identified even if the post has a different nomenclature and/or is placed in a different group.

Note 6: This list will be the principal list in respect of the posts identified suitable for persons with benchmark disabilities. However, in case a list of post is separately identified by any Central Government establishment, the list having wider range of identified categories (i.e. having more sub-categories under each category) would prevail.

Note 7: In case a post is identified suitable for more than one sub-category under a broad category, individual Central Ministries or Departments or Public Sector Undertakings or Autonomous Bodies should conduct recruitment for all the sub-categories and cannot suo-moto choose one particular sub-category for appointment.

Note 8: It is for the Central Ministries or Departments or Public Sector Undertakings or Autonomous Bodies to verify the authenticity of the certificate of disability and examine suitability of the candidate in terms of functional requirements before appointment against any identified post.

Note 9: In the event of discrepancies in the English and Hindi versions of this Notification, English version shall prevail over the Hindi version.

Dr. PRABODH SETH, Jt. Secy.”
(emphasis supplied)

13. Mr. Shah has also drawn our attention to the provisions of “The Rights of Persons with Disabilities Act, 2016” and more particularly, “The Schedule” under the Act in regard to “Specified Disability”, in which Clause 3 – “Mental behaviour” has been defined to include “mental illness”, which reads thus:

“3. Mental behaviour – “mental illness” means a substantial disorder of thinking, mood, perception, orientation or memory that grossly impairs judgment, behaviour, capacity to recognize reality or ability to meet the ordinary demands of life, but does not include retardation which is a condition of arrested or incomplete development of mind of a person specially characterized by sub normality of intelligence.”

14. Thus, the purport of the definition of “mental behaviour”, which includes mental illness is quite broad. The only contention of the RBI is to the effect that it is bound by the directives of the Government of India in its notification dated 4 January, 2021, which does not include the learning disability to be one of the criteria along with Autism Spectrum Disorder (Mild) along with Mental Illness (MI) or Multiple Disabilities (MD), which would make the petitioner ineligible. We are certainly not in agreement with such contention. In fact, we find that there are multiple disabilities which also stand recognized as seen from Clause 8 of the Advertisement (supra) (see paragraph 5 of this judgment). Admittedly, the petitioner has been certified as having a disability Autism Spectrum Disorder (Mild) as per the certificate issued by the Lokmanya Tilak Municipal General Hospital and the Medical College, Sion, Mumbai. Thus, the petitioner additionally having a learning disability, in our opinion, certainly cannot be considered to be any ineligibility in the context of the eligibility criteria (supra) as prescribed, which includes Mental illness as also Multiple Disabilities involving combination of aspects in the criteria specified in (a) to (d) in the said eligibility criteria. The interim order has, in fact, considered all such contentions to hold that the petitioner cannot be held to be ineligible. The interim order was acted upon, and the petitioner has been interviewed, though the appointment of the petitioner has been kept in abeyance. If this is the only ground on which the

petitioner has been held ineligible, in our opinion, for the reasons as set out in the interim order, as also considering our aforesaid discussion, we are of the clear opinion that the petitioner meets the eligibility criteria in regard to the disabilities as specified by the Government of India in its notification dated 4 January, 2021 (supra). The petitioner thus was eligible for appointment to the post of Officer Grade 'B' and he could not have been disqualified on the ground that he has additional medical condition of learning disability, as the petitioner has already passed the interview. Thus, the appointment order which is kept in abeyance would be required to be issued.

15. In the light of the above discussion, in our clear opinion, the petition would be required to be allowed. It is accordingly allowed in terms of prayer clauses (a) and (b). The Reserve Bank of India is directed to issue an appointment order in favour of the petitioner. Let the appointment order be issued within a period of one week from the day a copy of this order is available.

16. The petition stands disposed of in the aforesaid terms. No costs.

(AARTI A. SATHE, J.)

(G. S. KULKARNI, J.)