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Disability Rights in Public Employment: A Supreme Court Ruling

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The Supreme Court's judgment in *Sudhanshu Kardam v. Comptroller and Auditor General of India* (2026 INSC 232) addresses an important issue concerning the implementation of disability rights in public employment, particularly in light of evolving statutory frameworks under the Rights of Persons with Disabilities Act, 2016 (RPwD Act). The case highlights the tension between administrative classifications of suitability and the statutory mandate of inclusion, ultimately reinforcing the obligation of the State to align recruitment practices with contemporary legal standards.

The dispute arose from the Combined Graduate Level Examination, 2018 (CGL 2018), conducted by the Staff Selection Commission (SSC) to fill various Group 'B' and Group 'C' posts in government departments. Among the notified vacancies were posts of Auditor under the Comptroller and Auditor General (CAG), including positions reserved for Persons with Disabilities (PwD). Amit Yadav, a candidate with a benchmark disability categorized as "mental illness" with 55% disability, successfully cleared all stages of the examination and was recommended for appointment to the post of Auditor. Similarly, the appellant, Sudhanshu Kardam, a candidate with a specific learning disability, was also affected by similar issues in the same recruitment process.

Despite the successful completion of the selection process, Amit Yadav's candidature was rejected by the CAG in September 2021 on the grounds that the post of Auditor had not been identified as suitable for persons with mental illness. This rejection was based on earlier classifications of posts determined prior to subsequent legal and policy developments. The decision was communicated formally, effectively denying the appointment despite the candidate's merit-based selection.

Aggrieved by this decision, Amit Yadav approached the Central Administrative Tribunal (CAT), invoking the provisions of the RPwD Act, 2016. A key aspect of his argument was reliance on a Government of India notification dated 4 January 2021, issued by the Ministry of Social Justice and Empowerment. This notification revised and expanded the list of posts identified as suitable for persons with benchmark disabilities, including categories such as mental illness and specific learning disabilities. The notification reflected a significant shift in policy by recognizing broader inclusion in public employment.

The CAT, by its order dated 23 January 2023, allowed the application and directed the CAG to constitute a medical board to assess the candidate's fitness for the post of Auditor. It further directed that, subject to being found fit, he should be appointed. The Tribunal's approach emphasized individualized assessment rather than blanket exclusion based on disability categories.

The CAG challenged this order before the Delhi High Court. The High Court, however, set aside the CAT's decision and upheld the rejection of the candidature. It restored the administrative position that the post of Auditor was not suitable for the relevant disability category, thereby prioritizing earlier classifications over the subsequent notification.

During this stage, Sudhanshu Kardam sought impleadment in the High Court proceedings, contending that the outcome would directly affect his own pending case before the CAT. His application was allowed. Following the High Court's decision, Kardam approached the Supreme Court by way of a Special Leave Petition, bringing the matter for final adjudication.

Before the Supreme Court, the arguments centered on the interpretation and application of the RPwD Act and the 2021 notification. The petitioners contended that the rejection of candidature was inconsistent with the updated legal framework, which recognized a broader range of posts as suitable for persons with disabilities. They argued that reliance on outdated classifications was arbitrary and contrary to the objective of the RPwD Act, which seeks to promote equality and non-discrimination.

On the other hand, the respondents emphasized procedural and administrative constraints. It was argued that recruitment and appointment processes are governed by identified posts and that any deviation requires formal recommendations from the SSC. The respondents also referred to earlier expert committee findings, which did not classify certain posts as suitable for specific disabilities.

During the course of proceedings, a significant development occurred. The CAG filed an additional affidavit acknowledging that, pursuant to the 2021 notification, certain Group 'C' posts, such as Assistant (Audit) and Auditor-II, had been identified as suitable for persons with benchmark disabilities, including mental illness and specific learning disabilities. The affidavit further stated that the department was willing to accommodate the candidates in such posts, subject to the receipt of recommendations and dossiers from the SSC.

Taking note of this position, the Supreme Court adopted a practical approach. It was observed that there was no longer any substantive impediment to the appointment of the candidates in suitable posts. The remaining issue was procedural, relating to the forwarding of dossiers and formal recommendations.

Accordingly, the Court disposed of the appeal with specific directions. It directed the SSC to forward the dossiers of both Sudhanshu Kardam and Amit Yadav to the CAG within a period of two weeks. Upon receipt of the dossiers, the CAG was directed to consider them for appointment to appropriate Group 'C' posts identified as suitable under the revised framework. Importantly, the Court also directed that if the originally advertised posts had already been filled, the authorities should create supernumerary posts to accommodate the candidates. The appointments were to take effect from the date of joining.

The judgment, while concise in its reasoning, carries broader implications for administrative law and disability rights jurisprudence. It underscores the necessity for government authorities to update their recruitment practices in accordance with statutory developments and policy changes. The decision reflects a shift away from rigid, category-based exclusions towards a more inclusive approach that emphasizes capability and accommodation.

The judgment in *Sudhanshu Kardam* reaffirms the State's obligation to implement the RPwD Act in both letter and spirit. It highlights the importance of aligning administrative practices with evolving legal standards and ensures that candidates with disabilities are not denied opportunities due to outdated or inconsistent classifications. The decision contributes to the broader jurisprudence on inclusive governance and equal access to public employment.

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