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30/09/2022

No.36035/02/2017-Estt(Res)

Government of India

Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

North Block, New Delhi.

Dated Sept. 27, 2022

Office Memorandum**Subject:** Reservation for Persons with
Benchmark Disabilities - Clarification with regard
to the concept of own merit.

The undersigned is directed to refer to Para 4.2 of the OM of even number, dated 15.1.2018 and Para 7.2 of OM No. 36012/1/2020-Estt(Res.-II), dated 17.5.2022, which, inter alia, states that the Persons with Benchmark Disability (PwBD) selected without relaxed standard, along with other unreserved candidates, will not be adjusted against the vacancies reserved for them and that the vacancies reserved for PwBDs will be filled up separately from amongst the eligible PwBD candidates who are lower in merit than the last unreserved candidate in merit list but otherwise found suitable for appointment, if necessary, by relaxed standard.

2. Queries have been received in this Department, from time to time, on the following three aspects: -

- i. whether PwBD candidates who have qualified on their own merit without any relaxed standard should be appointed against the vacancies not reserved for PwBDs, i.e., against the unreserved vacancies which will be in addition to the vacancies earmarked for PwBD category candidates;
- ii. whether the facility of a scribe availed by a PwBD candidate, along with the compensatory time, shall be treated as relaxed standard; and
- iii. whether the disability a PwBD candidate is suffering from, shall be treated as relaxation in medical standard, which will disable him from being treated as own merit category.

3. In this connection, it is also pertinent to mention that this Department had constituted a Committee which deliberated upon the above three aspects, particularly in

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respect of Civil Services Examination (CSE), and recommended, inter-alia, the following: -

- i. the 'own merit' concept for PwBD category candidates should be implemented in CSE, in accordance with Establishment (Reservation) Division's OM No.36035/2/2017-Estt(Res), dated 15.01.2018.
 - ii. The facility of scribe, extra-time and relaxation in medical standards available to PwBD category candidates should not be treated as 'relaxed standard'.
4. Accordingly, the following clarifications are issued: -
- i. In line with the spirit of the O.M. No.36035/2/2017-Estt(Res.), dated 15.1.2018, and O.M. No.36012/1/2020-Estt(Res-II), dated 17.5.2022 on the subject, the concept of own merit for PwBD shall be implemented in all direct recruitment examinations, including the CSE and promotions, wherever applicable. In other words, PwBD category candidates selected without relaxed standard, along with other unreserved candidates, will not be adjusted against the reserved share of vacancies. The reserved vacancies will be filled up separately from amongst the eligible candidates with benchmark disabilities, who are lower in merit than the last unreserved candidate in general merit list, but otherwise found suitable for appointment, if necessary, by relaxed standards.
 - ii. In accordance with Para 3 of the OM No.29-6/2019-DD-III, dated 10.8.2022, issued by the Department of Empowerment of Persons with Disabilities, the facility of scribe, along with compensatory time shall not be treated as relaxed standard. DoPT, in agreement with this provision, reiterates that the facility of scribe taken by a PwBD candidate, along with compensatory time, shall not be treated as relaxed standard.
 - iii. In terms of Corrigendum No. 34-02/2015/DD-III(Pt.), dated 08.02.2019, the phrase 'extra time or additional time' is required to be replaced by the phrase 'compensatory time'.
 - iv. The spirit of the term 'own merit' will get defeated if the

disability a person is suffering from, is treated as relaxed medical standard, as no PwBD will get the benefit of the term 'own merit' as stipulated in the OMs, dated 15.1.2018 and 17.5.2022 in such a scenario. Accordingly, it is clarified that disability of a person, which he is suffering from, shall not be treated as relaxed standard in medical fitness test for the purpose of 'own merit'.

5. All the Ministries/Departments of the Government of India are requested to bring the above instructions to the notice of all the appointing authorities under their control to provide the benefit of 'own merit' to the PwBDs, in accordance with these guidelines.

6. This is being issued after having consultation with the Department of Empowerment of Persons with Disabilities and the Department of Legal Affairs.

7. This issues with the approval of Secretary (P).

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(S.P. Pant)
Director (Res-II)
Ph.23093074

To

1. The Secretaries of all the Ministries/Departments of the Government of India.
 2. The Secretary, Department of Financial Services, Ministry of Finance, Jeevan Deep Building, Parliament Street, New Delhi, with a request to issue similar instructions for compliance by Public Sector Banks/Financial Institution/Insurance Companies.
 3. The Secretary, Department of Public Enterprises, CGO Complex, Lodhi Road, New Delhi, with a request to issue similar instructions for compliance by all Central Public Sector enterprises.
 4. The Secretary, Railway Board, Rail Bhavan, New Delhi,
(v) The Secretary, President Secretariat, Rashtrapati Bhavan, New Delhi.
 5. The Secretary, Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi.
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6. The Secretary, Central Vigilance Commission, A-Block, GPO Complex, Satarkata Bhavan, INA, New Delhi, Delhi 110023.
7. The Secretary, Staff Selection Commission, CGO Complex, Lodhi Road, New Delhi.
8. The Registrar (Administration), Supreme Court of India, New Delhi.
9. The Joint Secretary (Administration), Prime Minister's Office, South Block, New Delhi.
10. The Sr. Principal Secretary, Election Commission of India, Nirvachan Sadan, New Delhi.
11. The Joint Secretary (Administration), Lok Sabha Secretariat, Parliament House Annexe, New Delhi.
12. The Joint Secretary (Administration), Rajya Sabha Secretariat, Parliament House Annexe, New Delhi.
13. The Joint Secretary (Administration), Cabinet Secretariat, Rashtrapati Bhavan, New Delhi.
14. The Joint Secretary (Administration), Niti Aayog, Parliament Street, New Delhi.
15. The Deputy C&AG, Office of the Comptroller & Auditor General of India, 10 Bahadur Shah Zafar Marg, New Delhi
16. Office of the Chief Commissioner for Persons with Disabilities, Sarojini House, 6, Bhagwan Das Road, New Delhi-110001