



2026 INSC 53

**REPORTABLE**

**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO. 120 OF 2026**

**SUJATA BORA**

**APPELLANT**

**VERSUS**

**COAL INDIA LIMITED & ORS.**

**RESPONDENTS**

**J U D G M E N T**

**J. B. PARDIWALA & K. V. VISWANATHAN, J.J.**

Lack of physical sight does not equate to a lack of vision.

- Stevie Wonder

1. An advertisement was published by Coal India Limited (CIL) for recruitment of Management Trainees in 2019. The appellant applied for the post under the Visually Handicapped (VH) category. appellant was

selected for the interview. By a communication of 1<sup>st</sup> July 2021 appellant was called for document verification (DV) and Initial Medical Examination (IME). The appellant appeared for the IME in September 2021, however, she was declared unfit on the ground that she was not only suffering from visual disability but also from residuary partial hemiparesis. Aggrieved the appellant filed WPA No. 970 of 2023 before the High Court of Judicature at Calcutta.

2. A learned Single Judge (Lapita Banerjee J.) after a thorough analysis of the relevant provisions of the Rights of Persons with Disabilities Act, 2016, (for short 'RPwD Act') and the relevant notifications found that CIL being a Public Sector Corporation could not refuse appointment in the multiple disabilities category and that it was incumbent upon CIL to suitably modify the recruitment notifications. The learned Single Judge found that the IME result of 23.09.2021 that declared the appellant unfit, was liable to be quashed. However, since, the appellant approached the Court after the completion of the recruitment process. The Court allowed the appellant to participate in the ensuing recruitment process (2023) in the reserved category for persons with disability. The learned Single Judge made it clear that the recruitment process of the appellant will be considered from the stage of IME, and if found eligible she will be given appointment as

Management Trainee upon compliance of all formalities. The learned Single Judge's judgment was dated 10.08.2023. It must also be pointed out that pending the disposal of the writ petition, by an interim order dated 27.03.2023, one post was ordered to be kept vacant in the cadre of management trainee (personnel and HR).

3. CIL carried the matter to the Division Bench. The Division Bench, by the impugned, order found that the writ petition was filed after the expiry of the panel and even the interim order was passed after the expiry of panel and hence, directing the authorities to consider the candidature in respect of the same recruitment process or in the next recruitment process was not tenable. The Division Bench set aside the judgment of the Single Judge.

4. Aggrieved, the appellant carried the matter to this Court. This Court, by multiple orders on 28.11.2025, 12.12.2025 and 18.12.2025, directed the All India Institute of Medical Sciences to constitute a Board of experts and for coopting Dr. Satendra Singh who has been working on disability rights for a long time.

5. The order dated 18.12.2025 which incorporates all the earlier orders reads as under.

*"1. Our order dated 28-11-2025 reads thus:-*

*1. It is the case of the petitioner that she is a visually handicapped person with 60% low vision in both eyes and*

*also has residual functional partial Hemiparesis.*

*2. In terms of qualification, the petitioner has graduated with the degree in Economics and pursued post graduation from Assam Women's University in MBA (Human Resources).*

*3. The respondent no.1 is a Maharatna Public Sector Undertaking under the Ministry of Coal, Government of India.*

*4. It appears from the materials on record that in pursuance of the advertisement dated 16.12.2019 issued by the respondent no.1- company, the petitioner applied for the post of a Management Trainee in Personnel and HR discipline.*

*5. She applied as a reserved candidate in the Visually Handicapped (VH) category.*

*6. It is her case that she produced two certificates dated 7.4.2012 and 2.1.2021 respectively, issued by the District Social Welfare Officer, Jorhat, Government of Assam and the Public Works Department, Government of Assam through the Joint Director of Health Sciences, Jorhat, respectively, both of which certified that the petitioner is visually impaired to the extent of 60-70% visual disability.*

*7. On the other hand, it is the case of the respondent no.1 that the disability is not to the extent of 60-70% but is to the extent of 30%.*

*8. What we have understood is that if it is the case of the respondent no.1 that the disability is to the extent of 30%, then the petitioner cannot be said to be falling within the ambit of "person with benchmark disability".*

*9. What is important in the present case is to ascertain whether the disability is a functional disability or not.*

*10. For this purpose, we direct the Director of All India Institute of Medical Sciences (AIIMS), New Delhi to constitute a Board of experts and one of the members in the said Board*

*should be Dr. Satendra Singh.*

*11. Dr. Satendra Singh has been working on disability rights, since a long period of time.*

*12. Once, we receive the report of the Medical Board, we shall proceed to pass further orders.*

*13. The petitioner shall appear before the Board on 05.12.2025 along with the copy of this order.*

*14. Registry shall inform the Director of AIIMS, New Delhi about the order passed by this Court today and also furnish full set of papers to the Director, AIIMS at the earliest.*

*15. Post this matter for further hearing on 18.12.2025.”*

*2. After the aforesaid Order, a further Order was passed dated 12-12-2025. The same reads thus:-*

*“1. The matter was mentioned today in the morning bringing it to our notice that despite there being a specific order passed by this Court dated 28-11-2025, the Director of the All India Institute of Medical Science (AIIMS), New Delhi has not constituted a Board of Experts.*

*2. We had also stated in so many words that one of the Members in the Board should be Dr. Satendra Singh.*

*3. The main matter is coming up for hearing on 18-12-2025.*

*4. We once again remind the Director, AIIMS of our order dated 28-11-2025. We are further informed that the petitioner namely Sujata Bora is in Delhi past one week. She has been examined so far only by two Doctors and not in accordance with our Order dated 28-11-2025. The Director, AIIMS is requested to look into the matter at the earliest.*

*5. The Registry shall communicate this order to the Director,*

*AIIMS at the earliest.”*

3. *In pursuance of our Order dated 28-11-2025, referred to above, the All India Institute of Medical Sciences, New Delhi has forwarded the Medical Report.*

4. *The final impression in the Report dated 16-12-2025 reads thus:-*

*“The candidate is diagnosed with right sided 7<sup>th</sup> nerve palsy, lagophthalmos, exposure keratopathy and 6<sup>th</sup> nerve palsy in the right eye. The left eye visual acuity and visual field does not correlate with the clinical examination findings and ocular investigations, therefore visual disability cannot be assessed. To confirm benchmark multiple disability because of presence of right side facial paralysis, opinion may be taken from PMR department/multiple disability board. Neurosurgery department has review old available record, but if current neurosurgical status evaluation is needed, detailed neurological examination, new MRI and other investigations will be required by them.”*

5. *According to the AIIMS, New Delhi for the purpose of confirming the benchmark, multiple disability because of presence of right side facial paralysis, opinion should be taken from PMR department/multiple disability board, i.e., Physical Medicine and Rehabilitation Department.*

6. *The report further reveals that the Neurosurgery Department has looked into the old records available but for the purpose of current neurosurgical status evaluation, a detailed neurological examination with new MRI and other investigations should be undertaken.*

7. *Let the needful be done at the earliest and a fresh Report*

*be submitted before us.*

*8. One copy of this Report dated 16-12-2025 be furnished to the learned counsel appearing for the petitioner as well as for the learned counsel appearing for the respondents – Coal India Limited.*

*9. Post it on 8-1-2026 as part-heard.*

*10. The petitioner – Sujata Bora is personally present in the Court today.*

*11. We are informed that she is in Delhi past couple of days.*

*12. We request the Director, AIIMS, New Delhi to undertake the necessary further investigations of Ms. Bora from tomorrow itself.*

*13. The Registry to inform about this order to the Director, AIIMS, New Delhi at the earliest.*

*14. Dasti permitted.*

*15. Ms. Sujata Bora shall reach the office of the Director, AIIMS, New Delhi tomorrow, i.e., 19-12-2025 by 10.30 a.m.”*

**6.** In pursuance thereto, the appellant was medically examined by a Committee of doctors appointed by the All India Institute of Medical Sciences (AIIMS), New Delhi. The examination was for the purpose of assessment as regards disability.

**7.** We have received a report dated 01<sup>st</sup> January, 2026. According to the report, the appellant suffers 57% of disability, which is above the benchmark disability, i.e., 40%.

8. The Division Bench on facts was not justified in setting aside the judgment of the Single Judge merely because the panel had expired. The appellant at the first instance was wrongly denied her employment pursuant to the 2019 notification. The learned Single Judge moulded the relief in view of the passage of time and directed her to be considered from the IME stage for the 2023 recruitment. By interim order passed earlier, one post was also kept vacant.

9. Today the situation is, the report from AIIMS finds her with 57% disability, rendering her eligible for the appointment under the reserved quota.

10. We had an opportunity to interact with the appellant, and we have found her to be a lady of grit and determination. She wants to excel in her field and work hard.

11. We heard Mr. Prashant Srikant Kinjale, the learned counsel appearing for the appellant, and Mr. Vivek Narayan Sharma, the learned counsel appearing for the CIL.

12. We are of the view that the appellant qualifies for the appointment to the post of Management Trainee.

### **CONCEPT OF REASONABLE ACCOMMODATION**

13. This Court in a series of judgments has highlighted the concept of “reasonable accommodation” - a concept enshrined in the RPwD Act

and which emanates from Article 41 of the Constitution of India read with Articles 14 and 21 of the Constitution of India. In **Omkar Ramchandra Gond v. The Union of India**, 2024 INSC 775, this Court held as under: -

“40. ...Section 2(y) of the RPwD Act, defines “reasonable accommodation” to mean necessary and appropriate modification and adjustments, without imposing a disproportionate or undue burden in a particular case, to ensure to persons with disabilities the enjoyment or exercise of rights equally with others. The concept of reasonable accommodation would encompass within itself the deployment of a purposive and meaningful construction of the NMC Regulations of 13.05.2019 read with the Appendix H-1 guidelines in a manner as to further the objectives of the RPwD Act. The reasonable accommodation as defined in Section 2(y) of the RPwD Act should not be understood narrowly to mean only the provision of assisting devices and other tangible substances which will aid persons with disabilities. **If the mandate of the law is to ensure a full and effective participation of persons with disabilities in the society and if the whole idea was to exclude conditions that prevent their full and effective participation as equal members of society, a broad interpretation of the concept of reasonable accommodation which will further the objective of the RPwD Act and Article 41 of the Directive Principles of State Policy is mandated.**”

(Emphasis supplied)

14. Reiterating the holding in **Omkar** (supra) in **Anmol v. Union of India**, 2025 SCC OnLine SC 387, this Court held as under: -

“20. As would be clear from the above, flexibility in answering individual needs and requirements is an essential component of reasonable accommodation. There cannot be a “one size fits all” approach. However, in the

guidelines appendix H-1 to regulations of 13.05.2019 of “both hands intact, with intact sensations, sufficient strength and range of motion” are considered essential to be eligible for the medical course.”

15. In ***Om Rathod v. Director General of Health Services***, 2024 SCC

OnLine SC 3130, this Court while explaining how without the gateway right of reasonable accommodation, a person with disability would be excluded from the mainstream held as under: -

**“29. The principle of reasonable accommodation is not only statutorily prescribed but also rooted in the fundamental rights guaranteed to persons with disabilities under Part III of the Constitution. Reasonable accommodation is a fundamental right. It is a gateway right for persons with disabilities to enjoy all the other rights enshrined in the Constitution and the law. Without the gateway right of reasonable accommodation, a person with disability is forced to navigate in a world which excludes them by design. It strikes a fatal blow to their ability to make life choices and pursue opportunities. From mundane tasks of daily life to actions undertaken to realise personal and professional aspirations - all are throttled when reasonable accommodations are denied. Reasonable accommodation is a facet of substantive equality and its failure constitutes discrimination.** In *Vikash Kumar v. UPSC*, this Court adjudicated on whether a person with a writer's cramp is entitled to a scribe for writing the examination. Allowing the use of a scribe, this Court held that the benchmark standard can only be applied where expressly stipulated. Section 2(s) of the RPWD Act defines a person with disability as a person with long term physical, mental, intellectual or sensory impairment which, in interaction with barriers, hinders their full and effective participation in society equally with others. Therefore, a person - to be considered as a person with disability - does

not have to qualify any benchmark. The principle that the rights and entitlements cannot be constricted by adopting a benchmark as a condition precedent was also upheld by this Court in *Avni Prakash v. NTA*.”

(Emphasis supplied)

16. In *Ch. Joseph v. Telangana SRTC*, 2025 SCC OnLine SC 1592, highlighting the concept of alternative employment as a facet of reasonable accommodation, this Court held as under: -

“17. The Respondents' defence based solely on internal circulars and a mechanical reading of Regulation 6A(5)(b) cannot override this obligation. **Retirement on medical grounds must be a measure of last resort, only after the employer exhausts all reasonable avenues for redeployment. This principle is inherent in the concept of “reasonable accommodation”, which is now recognised as an aspect of substantive equality under Articles 14 and 21. The failure to explore alternate employment before resorting to medical retirement is not merely a procedural lapse—it is a substantive illegality that violates the Appellant's right to livelihood and equal treatment.**”

(Emphasis supplied)

17. In *Rajive Raturi v. Union of India*, (2024)16 SCC 654, explaining how reasonable accommodation seeks to achieve individual justice by encompassing dignity, autonomy, choice of the individual and furthers non-discrimination, this Court held as under: -

“38. As highlighted by the Committee on the Rights of Persons with Disabilities in General Comment 6, reasonable accommodation is integral to the principle of inclusive equality, acting as a facilitator for substantive equality. [ General Comment on Accessibility, CRPD/C/GC/2, para 25.] The General Comment articulated the relationship

between reasonable accommodation and accessibility as follows:

**“23. The duty to provide reasonable accommodation is an ex nunc duty, which means that it is enforceable from the moment an individual with an impairment needs it in a given situation (workplace, school, etc.) in order to enjoy her or his rights on an equal basis in a particular context. Here, accessibility standards can be an indicator, but may not be taken as prescriptive. Reasonable accommodation can be used as a means of ensuring accessibility for an individual with a disability in a particular situation. Reasonable accommodation seeks to achieve individual justice in the sense that non-discrimination or equality is assured, taking the dignity, autonomy and choices of the individual into account. Thus, a person with a rare impairment might ask for accommodation that falls outside the scope of any accessibility standard. The decision to provide it or not depends on whether it is reasonable and whether it imposes a disproportionate or undue burden.””**

**(emphasis supplied)**

## **FUNDAMENTAL RIGHTS AND DIRECTIVE PRINCIPLES OF STATE POLICY**

18. Explaining how directive principles and fundamental rights are two wheels of a chariot, this Court in **Minerva Mills Ltd. v. Union of India**, (1980) 3 SCC 625, speaking through Chief Justice YV Chandrachud in a memorable passage held as follows: -

**“56. The significance of the perception that Parts III and IV together constitute the core of commitment to social revolution and they, together, are the conscience of the Constitution is to be traced to a deep understanding of the scheme of the Indian Constitution. Granville Austin's observation brings out the true position that Parts III and IV are like two wheels of a chariot, one no less important than the other. You snap one and the other will lose its efficacy. They are like a twin formula for achieving the social revolution, which is the ideal which the visionary founders of the Constitution set before themselves. In other words, the Indian Constitution is founded on the bedrock of the balance between Parts III and IV. To give absolute primacy to one over the other is to disturb the harmony of the Constitution. This harmony and balance between fundamental rights and directive principles is an essential feature of the basic structure of the Constitution.”**

(emphasis supplied)

19. Justice Douglas of the U.S. Supreme Court in **Barsky v. Board of Regents**, 347 U.S. 442 (1954), said:

*“The right to work I have assumed was the most precious liberty that man possesses. Man has indeed, as much right to work as he has to live, to be free and to own property. To work means to eat and it also means to live.”*

20. It is the most precious liberty because it sustains and enables a person to live and the right to life is a precious freedom. Life means something more than mere animal existence and the inhibition against the deprivation of life extends to all those limits and faculties by which life is enjoyed. Article 39(a) of the Constitution, which, is a directive

Principle of State Policy, provides that the State shall in particular, direct its policy towards securing that the citizens, men and women equally, have the right to an adequate means of livelihood.

21. Article 41 reads as under:

**“41. Right to work, to education and to public assistance in certain cases**

The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want.”

22. Article 37 provides that the Directive Principles, though not enforceable by any court, are nevertheless fundamental in the governance of the country. The principles contained in Articles 39(a) and 41 must be regarded as equally fundamental in the understanding and interpretation of the meaning and content of fundamental rights.

### **INTERSECTIONALITY OF DISABILITY WITH GENDER**

23. In the present case, we are also concerned with the intersectionality of disability with gender justice. Here is a case where a single woman is before us who has the urge to succeed notwithstanding the disability she encounters. Can technicalities like

expiry of panel for the year or the factum of interim order reserving a vacancy having come to be passed after the expiry of panel cannot come in the way of our doing complete justice? We certainly do not think so, especially when the denial of employment in 2019 was no fault of her's. We say this on the special facts obtaining in this case.

24. In ***Jane Kaushik v. Union of India***, 2025 SCC OnLine SC 2257, this Court held as under: -

**“85. Similarly, in *M. Sameeha Barvin v. Joint Secretary, Ministry of Youth and Sports*, 2021 SCC OnLine Mad 6456, a female athlete with 90% loss of hearing and lack of speech ability was denied participation in the World Deaf Athletics Championship due to her female gender and the additional vulnerability in travel associated with her disability. In the said case, one of us (R. Mahadevan, J.) discussed the concept of intersectionality to emphasize that addressing difficulties and barriers faced by a person from the perspective of only one axis of discrimination may not ensure substantive equality for them if they face multiple axes of discrimination. Therefore, a study of equality from an intersectional point of view subscribes to the understanding that factors or markers of discrimination do not operate in isolation. Hence, reasonable accommodation of persons placed at the intersections of various grounds of discrimination, can also not be unidimensional. The relevant portions of the judgment are reproduced below:**

**“16. In the Indian context, it is often seen that the factors like caste and gender are intrinsically linked. Similarly, disability and gender are linked in a way that make females with disabilities more**

**vulnerable to such cumulative or compounded disadvantage and resultant discrimination. Here, it is important to emphasize that the difficulties and barriers faced by a person facing any one axis of discrimination, for example-gender, are different from a person facing multiple axis of discrimination like disability, caste and gender together. The different identities within the same person intersect and co-exist in a way so as to give the individual a qualitatively different experience than any one of the individual markers of discrimination or any of the individual characteristics. Therefore, where the axis of discrimination intersect, it is essential to view such cases from the lens of intersectionality in order to understand that the barriers, the challenges, the stigma as well as the practical difficulties faced by such persons are not only more intense, but also different and unique which call for a more in-depth and all-encompassing approach for addressing their grievances and ensuring substantive equality to them. Intersectionality, therefore, rejects a narrow or limited understanding of equality where the factors or markers of discrimination are isolated or are in singular spheres.**

**XXXXXXXXXX**

24. In the Convention on the Rights of Persons with Disabilities as observed by the Committee in General Comment No. 6, “intersectional discrimination can be direct, indirect, denial of reasonable accommodation, or harassment”. This approach has also been reiterated by the Supreme Court in *Vikash Kumar v. UPSC* wherein, the supreme court has held that “disability-based discrimination is intersectional in nature and policy of reasonable accommodation thus cannot be unidimensional”. The Convention on the Elimination of Discrimination against Women Committee (CEDAW),

which promotes action in order to support persons with disabilities and their families and caregivers, also recognises that the categories of discrimination cannot be reduced to watertight compartments. In General Recommendation No. 25, the CEDAW committee suggests “the adoption of special measures for women to eliminate multiple rounds of discrimination”.”

**86. The aforesaid leaves no manner of doubt in our minds that redressal of a disadvantage cannot be devoid of an understanding of the other impediments that an individual may face on account of other identity markers that may cause such an individual to be stigmatized and marginalized. The avowed objective of substantive equality may be rendered unworkable if actions and measures to achieve the said goal suffer from a parochial understanding of discrimination.**

(Emphasis supplied)

## **CORPORATE SOCIAL RESPONSIBILITY AND DISABILITY RIGHTS**

25. The UN Guiding Principles on Business and Human Rights (Guiding Principles), as endorsed by the United Nations Human Rights Council in 2011, have the following to say on the aspect of “the Corporate Responsibility to Respect Human Rights”:

“12. The responsibility of business enterprises to respect human rights refers to internationally recognized human rights – understood, at a minimum, has those expressed in the International Bill of Human Rights and the principles concerning fundamental rights set out in the International

labour Organization's Declaration on Fundamental Principles and Rights at Work.

... Depending on circumstances, business enterprises may need to consider additional standards. For instance, enterprises should respect the human rights of individuals belonging to specific groups or populations that require particular attention, where they may have adverse human rights impacts on them. In this connection, United Nations instruments have elaborated further on the rights of indigenous peoples; women; national or ethnic, religious and linguistic minorities; children; **persons with disabilities**; and migrant workers and their families..."

(Emphasis supplied)

26. The working paper "Disability and CSR Reporting: An analysis comparing reporting practices of 40 selected multinational enterprises", produced by the ILO Global Business and Disability Network, concluded that:

**"The rights of the people with disabilities are human rights. Consequently, enterprises have an obligation to respect these rights, avoid infringement, and address adverse human rights impacts with which they are involved. Thereby following the current approach of CSR endorsed by the UN and the EU.**

**Providing equal rights to people with disabilities implies addressing it from a non-discrimination angle, and not exclusively as a diversity or inclusion issue."**

(Emphasis supplied)

27. Thus, it is abundantly clear that rights of persons with disabilities have to be viewed from the prism of Corporate Social Responsibility in

order to protect and further such rights. True equality at the workplace can be achieved only with the right impetus given to disability rights as a facet of Corporate Social Responsibility.

28. Disability inclusion is a vital component of the “Social” dimension in the Environmental, Social and Governance (ESG) framework. In its 2024 guide on "Putting the ‘I’ in ESG: Inclusion of Persons with Disabilities as Strategic Advantage of Sustainability Practices for Corporates and Investors", the ILO Global Business and Disability Network urged "***companies and investors to view disability inclusion not just as a compliance issue, but as a strategic advantage that enhances business performance, resilience, and societal impact.***"

(Emphasis supplied)

29. The appellant qualified for the interview in 2019 selection and was denied employment due to no fault of hers. Her disability exceeded the benchmark disability and only because the notification advertising the vacancies did not provide for “multiple disability” and the appellant applied as a visually handicapped candidate, she was denied employment.

30. Keeping in mind the above principle we direct that a supernumerary post be created.

31. We are sure that the Chairman of Coal India will provide a

suitable position/posting commensurate with the ability of the appellant, and in such circumstances, she be provided a suitable desk job with a separate computer and keyboard, as per universal design as defined under section 2(ze) of the Rights of Persons with Disabilities Act, 2016.

32. We request to the Chairman of Coal India Ltd. to post the appellant at North Eastern Coalfields Coal India Ltd., having an office at Margherita, Tinsukia, Assam.

33. We clarify that we have passed this order, in the peculiar facts and circumstances of this case, keeping in mind Article 41 read with Article 14 & 21 of the Constitution.

34. We make it clear that we have passed this order additionally in exercise of our power under Article 142 of the Constitution of India.

35. We place on record our sincere gratitude to Mr. Vivek Narayan Sharma, the learned counsel appearing for the Coal India Ltd., for using his good offices and bringing around a very happy end to this litigation.

36. We also express our deep and sincere gratitude towards all the doctors who examined the appellant and also the Director of AIIMS, New Delhi.

37. For the reasons stated above, we set aside the order of the

Division Bench of High Court of Judicature at Calcutta, in MAT  
2325/2023. The appeal is disposed of in the above terms.

.....J.  
**[J.B.PARDIWALA]**

.....J.  
**[K.V. VISWANATHAN]**

New Delhi  
13<sup>th</sup> January, 2026.