



1st NUJS NATIONAL DISABILITY LAW MOOT COURT COMPETITION 2025



MOOT PROPOSITION

IN THE HON'BLE SUPREME COURT OF BHENGPURIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 555 OF 2025

In the matter of*

Dr. Dev Kabra

...Appellant

versus

Omni-Tech Solutions Ltd.

...Respondent

1. Omni-Tech Solutions Ltd. (“**Omni-Tech**”) is a leading private sector technology firm specializing in artificial intelligence and machine learning, for nine years. Omni-Tech is headquartered in the metropolitan city of Techanagar, a bustling urban centre in the Republic of Kanapur, known for its progressive digital infrastructure and vibrant tech industry. The Omni-Tech campus spans over 25 acres in the heart of Techanagar’s Special Innovation Zone, a government-designated smart district designed to attract investment in high-end research and development.
2. The campus comprises five glass-and-steel buildings, with ultra-modern workspaces, collaborative innovation labs, high-security data rooms, and wellness centres. Each floor of the central tower – the IntelliCore – is dedicated to a domain-specific AI vertical, including predictive analytics, neural networks, and machine learning operations. Omni-Tech promotes a performance-driven culture, often organizing “innovation sprints,” cross-departmental hackathons, and AI symposiums. Although technologically advanced and well-resourced, the company’s high-pressure work environment places a premium on availability, physical presence, and round-the-clock engagement.

* As a clarificatory note, any reference to names, characters, places, and incidents used in this moot problem are either products of the author's imagination or are used fictitiously. Any resemblance to actual events or locales or persons, living or dead, is entirely coincidental, no offence being intended to anyone.

3. However, the Republic of Bhengpuria, known for its diversity, has always placed focus on providing accessibility to persons with disabilities to work environments. In lieu of this, the Bhengpuri Parliament has passed the Rights of Persons with Disabilities Act, 2016 (“**RPWD Act**”). The board of directors of Omni-Tech, especially Mr. Priyatish Jha and Ms. Ameetika Kaushiki, have placed special focus on maintaining compliance with these laws and have promulgated an Equal Opportunity Policy attached in **Annex I**.
4. Dr. Dev Kabra, aged 42, holds a Ph.D. in Data Science and has been a stellar employee at Omni-Tech. Dr. Kabra worked primarily on the 4th Floor – Cognitive AI Division, which was known for developing flagship AI solutions for healthcare and fintech clients globally. Dr. Kabra had been diagnosed with Postural Orthostatic Tachycardia Syndrome (“**POTS**”) which is a form of dysautonomia. Dysautonomia is a broad term that refers to disorders of the autonomic nervous system which controls heart rate, blood pressure, digestion, and body temperature.¹
5. POTS manifests most acutely when Dr. Kabra moves from a seated or lying position to standing. Within minutes, his heart rate may spike drastically, causing dizziness, fatigue, nausea, cognitive fog, and occasionally near-syncope and fainting spells. These symptoms are unpredictable and often worsen with prolonged standing, heat exposure, or physical exertion. While Dr. Kabra’s condition is medically managed, it hinders his performance by making it difficult for him to work at full capacity. Since his diagnosis, Omni-Tech has provided reasonable accommodations, including flexible work hours, remote work options during periods of increased fatigue, and assistive technology for presentations, enabling him to perform all essential functions of his Senior Data Scientist role with exceptional proficiency.
6. However, parts of the IntelliCore remains without barrier free access — Dr. Aruthless, a visually impaired Research Analyst, had earlier complained to the Human Resources (“**HR**”) Department on multiple instances to provide for tactile paths and access ramps to the seminar hall situate at the heart of the third floor. The standard response of Ms. Varimani, had been to suggest that the rest of IntelliCore had already provided for ramps,

¹ Participants are encouraged to rely on real life scientific reports and studies for the effects and symptoms of POTS.

however, due to the continuous lectures that were delivered at the hall, it was difficult to schedule an appropriate time for such construction, especially in the middle of IntelliCore.²

7. Dr. Kabra's direct supervisor, Ms. Praya Gupta, has consistently commended his analytical skills and innovative problem-solving. Dr. Kabra's ability to perform his duties effectively despite his condition, had earned him the "Outstanding Performer" award for the past three years.
8. In February 2025, Omni-Tech announced an opening for the Head of AI Innovation position, a prestigious role responsible for leading multiple complex AI research initiatives, managing a large team of scientists, securing high-value client contracts, and representing the company at international tech summits. The job description emphasized dynamic leadership, unwavering client engagement, superior resilience under pressure, and uninterrupted availability for critical project demands. Dr. Kabra, confident in his qualifications and experience, applied for the position. His application highlighted his extensive research contributions, successful project deliveries, and mentorship of junior colleagues. He was shortlisted for the final round, which involved multiple interviews, a strategic blueprint presentation, and a challenging week-long innovation sprint simulation designed to assess leadership and problem-solving under tight deadlines.
9. During his interview with the Chief Executive Officer, Mr. Shivi Mukherji, and the Chief Operating Officer ("COO"), Ms. Agrima Singhi, Dr. Kabra was directly asked about his *"ability to handle the relentless pace and demanding travel schedule"* of the Head of AI Innovation role. Dr. Kabra explained that while his condition required some flexibility, his current accommodations had proven effective, and he was fully capable of managing the new role's demands with similar adjustments, offering to discuss specific accommodation needs. This proactive offer to engage in an interactive process regarding reasonable accommodation was, however, not explored further by Mr. Mukherji. Rather, the interview took a confrontational direction when Ms. Singhi brought up an incidence from December 2024, when Dr. Kabra arrived late to the 3rd floor seminar meeting, as the lift was under maintenance. Even while Dr. Kabra attended the project meeting, over the course of the 45 minutes of the meeting he felt his vision blur and his heart rate spike — common signs of an impending POTS episode. Dr. Kabra was slated to present the firm's flagship research

² A descriptive layout of the IntelliCore has been provided in Annex II.

to international delegates. The venue was crowded and warm, and the event extended well beyond schedule. By the time he took the stage, he was experiencing light-headedness and mild cognitive fog. Though he delivered the technical substance well, he avoided standing for the entire Q&A, instead leaning on the lectern and pausing briefly to regain focus. To avoid fainting, he quietly excused himself, sat outside on a bench, and sipped electrolyte water. Later that day, a colleague casually remarked, “*Dev disappears whenever there’s pressure. Leadership needs visibility, you know.*” Dr. Kabra was caught off guard and tried to explain the situation, the interview subsequently went on to the technicalities — wherein Dr. Kabra displayed his excellence.

10. Following the innovation sprint and the interview process, Dr. Kabra experienced a mild flare-up, which required him to work remotely for two days. He informed his immediate supervisor, Ms. Gupta, who approved his remote work. However, the subsequent internal feedback report for his promotion assessment noted “*concerns regarding consistent on-site presence during critical phases*” contributing to a collective assessment of “*lacking the superior resilience*” required for the Head of AI Innovation role.
11. In April 2025, Omni-Tech announced that the promotion was awarded to Dr. Ganesh Dutta, a Data Scientist from a different department. Dr. Dutta had joined Omni-Tech only five years prior, had less experience in leading large-scale AI research projects, however, his performance reviews consistently met the requisite expectations. Upon inquiring, Dr. Kabra was informed by Ms. Gupta that while his technical skills were unparalleled, the selection committee had prioritized uninterrupted availability and a dynamic leadership style which they felt Dr. Dutta demonstrated more consistently. Dr. Kabra later learned that Mr. Kumar had no known disabilities.
12. Crucially, Omni-Tech did not engage in any interactive process with Dr. Kabra to discuss how accommodations could enable him to fulfill the demands of the new role. This failure to engage in a good faith interactive process, prevented any exploration of potential solutions that could have allowed Dr. Kabra to excel in the Head of AI Innovation position.
13. Aggrieved by the decision, Dr. Kabra initially approached the State Commissioner for Persons with Disabilities (“SCPD”) in May 2025, filing a complaint under Section 75 of the RPWD Act. During the proceedings before the SCPD, Omni-Tech challenged the SCPD’s jurisdiction over promotion matters in a private establishment. They also argued

that Dr. Kabra's non-promotion was due to performance issues that surfaced in late 2024, citing instances of delayed project submissions and missed client interactions. Omni-Tech even so brought up Dr. Kabra's insistence on accommodative and separate travel along with an accompany to support him during long travels. The HR initially approved the request, but the COO later questioned the cost, stating, *"We can't make permanent exceptions unless there's a more visible issue."*

14. Dr. Kabra countered that these issues were unsubstantiated and were raised only after his promotion application was submitted and the SCPD complaint initiated, suggesting they were an afterthought, fabricated to justify a discriminatory decision. He further pointed out that Omni-Tech had withheld comparative data of other employees hired around the same time, despite requests, hindering his ability to fully demonstrate the discriminatory nature of the decision.
15. The SCPD, in its order dated June 3, 2025, observed that while it has the mandate to inquire into violations of rights under the RPwD Act, it did not wish to interfere in the matter of promotion, citing its limited jurisdiction over service matters in private establishments.
16. Dissatisfied with the SCPD's order, Dr. Kabra filed a writ petition before the High Court of Techanagar, challenging the SCPD's refusal to adjudicate on the discriminatory denial of promotion and seeking a direction for his promotion or reconsideration. The High Court, in its judgment dated June 15, 2025, upheld the SCPD's jurisdictional limitations on service matters in private companies, stating that while discrimination based on disability is prohibited, mandating promotion falls outside the scope of judicial review in such cases, especially in the absence of a reservation policy for the private sector. More crucially, the High Court denied its jurisdiction on the basis that POTS did not fall within any of the specified disabilities within the Schedule of the RPwD Act.
17. Dr. Kabra has now approached the Supreme Court of Bhengpuria in the present Civil Appeal, seeking to establish that the SCPD and High Court erred in their interpretation of jurisdiction and the application of the RPwD Act, and that Omni-Tech's actions constitute clear discrimination.
18. The following issues have surfaced before a three-judge bench of the Supreme Court of Bhengpuria comprising Justice Aadimant, Justice Agrawal, and Justice Vabhim:

1. *Whether POTS, as an autonomic nervous system disorder, is a disability, on the basis of which the RPwD Act can be invoked?*
 2. *Whether the SCPD had jurisdiction to hear the case relating to service matters?*
 3. *Whether the use of subjective criteria by Omni-Tech constitutes discrimination against Dr. Kabra?*
19. The laws of Bhengpuria are in *pari materia* with the laws of India. The scope of arguments is limited to the issues as framed above.



Annex I

OMNI-TECH SOLUTIONS LTD

Version 1.0, Effective from December 3, 2024

Equal Opportunity Policy for Persons with Disabilities

I. APPLICABILITY:

1. This Equal Opportunity Policy (“**Policy**”) shall be applicable to Omni-Tech Solutions Ltd, its subsidiary and its associate companies (hereinafter referred to as “**Omni-Tech**”).
2. This Policy applies to: (a) Persons with Disability (*defined hereinafter*) employed at Omni-Tech; and (b) employees who acquire Disabilities (*defined hereinafter*) during employment.

II. PREAMBLE:

3. At Omni-Tech, we recognise the value of a diverse workforce. We are committed to providing equal opportunities in employment and creating an inclusive workplace and work culture in which all employees are treated with respect and dignity. In this lieu, this Policy is promulgated in accordance with the provisions of The Rights of Persons with Disabilities Act, 2024 (“**RPWD Act**”). At Omni-Tech, we commit to conform not just to the letter but also to the spirit of the RPWD Act.

III. DEFINITIONS:

4. The capitalised terms in this Policy are limited in their meaning to the definitions provided hereinafter. All capitalised words which have not been defined in this **Clause III (Definitions)** shall have the same meaning as provided in the RPWD Act.
5. “**Person with Disability**” means a person with long term physical, mental, intellectual or sensory impairment which, in interaction with barriers, hinders his full and effective participation in society equally with others.
6. “**Person with Disability having high support needs**” means a person with benchmark Disability certified under clause (a) of sub-section (2) of section 58 of the RPWD Act who needs high support.
7. “**Disability**” means the disabilities as specified in the Schedule of the RPWD Act.

8. **“Discrimination”** means any distinction in recruitment or denial of employment on the basis of Disability, including denial of reasonable accommodation.

IV. FACILITIES:

9. Omni-Tech shall endeavour to provide: (a) barrier free access across all floors and common areas; (b) assistive technology or ergonomic support, where needed; and (c) flexibility in work schedules and remote work arrangements, where feasible.

V. SELECTION AND PROMOTION:

10. **Recruitment and Internal Selection:** Omni-Tech shall strive to maintain:

- (a) selection criteria based on merit, role-specific skills, and potential; and
- (b) reasonable accommodation at all stages of evaluation.

11. **Promotion Criteria:**

- (a) Promotions shall be based on objective criteria including past performance, leadership capabilities, and role-readiness;
- (b) Where roles demand high physical or time commitments (e.g., uninterrupted availability), the actual necessity of such requirements shall be evaluated against the principle of non-discrimination; and
- (c) Employees with Disabilities will not be disadvantaged for using legally approved accommodations, unless it is demonstrably impossible to perform essential functions of the elevated role even with reasonable modifications.

VI. COMPLIANCE:

12. Omni-Tech shall appoint its Human Resources Manager as the Liaison Officer to look after the recruitment of Persons with Disabilities.
13. Liaison Officer shall be the single point of contact for Disability inclusion and accommodation requests.
14. The Liaison Officer shall:
- (a) Maintain records of employed Persons with Disabilities;

- (b) Monitor compliance with this Policy; and
- (c) Ensure fair implementation in promotions and evaluations.

15. A separate register shall be maintained with anonymised data on:

- (a) Type of Disability;
- (b) Accommodations granted;
- (c) Stage of employment;
- (d) Any grievance filed and resolution status; and
- (e) All medical/Disability related data shall be kept confidential and accessed only on a need to know basis.

VII. GRIEVANCE REDRESSAL:

- 16.** Employees may raise Disability-related grievances with the Liaison Officer within 30 days of the incident.
- 17.** The Liaison Officer shall, without exception, submit the complaint to the Internal Disability Equity Panel constituted by Omni-Tech and consistent of 5 members out of which at least 3 shall fulfil the criteria of Persons with Disabilities.
- 18.** If the grievance remains unresolved, the aggrieved Person with Disability may submit such complaint to the State Commissioner for Persons with Disabilities.

VIII. AMENDMENTS:

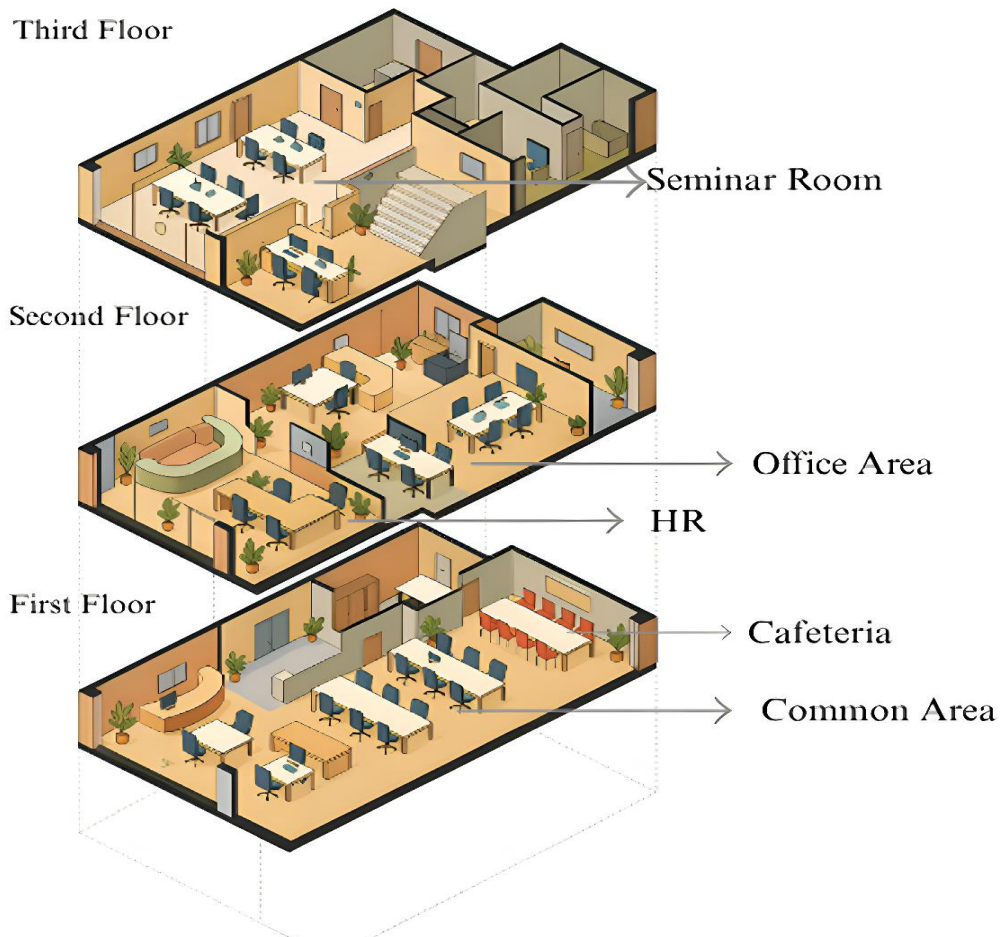
- 19.** This Policy shall remain valid for 1 year from the date of approval by the board of directors and may be reviewed/ revised/modified from time to time for effective compliance of the RPWD Act and Rules made therein as also to address the business needs of Omni-Tech.

Signatures of Board of Directors

Mr. Priyatish Jha

Ms. Ameetikaushik

Annex II



The IntelliCore³

³ Verbal Description of the Image: The image is a three-dimensional, isometric diagram showing a three-storey view of the IntelliCore with each floor stacked vertically, starting from the first floor at the bottom to the third floor at the top. The walls are cut away to reveal interior spaces, furnishings, and functional areas on each level. The first floor consists of a cafeteria and a common area. The cafeteria is positioned on the left side and includes multiple small tables with chairs arranged in neat rows, indicating a casual dining or break space. On the right side is the common area, furnished with lounge seating such as cushioned chairs and side tables, likely intended for informal discussions or waiting.

The second floor serves an administrative function. On the left side is the HR department, identifiable by a large round reception desk surrounded by chairs, suggesting it is a point of first contact or employee support. Adjacent to it, on the right, is a typical office area composed of several desks arranged in a grid layout. Each desk is equipped with a chair, representing an open-plan workspace used by staff for day-to-day tasks.

The third floor contains a large seminar room, occupying nearly the entire space. This room is arranged with rows of long tables and chairs facing a front area likely used for presentations or training sessions, indicating it is a formal space used for internal events or workshops.

Although modern in appearance, the floor plan reflects a traditional office design that prioritises functionality for able-bodied individuals while overlooking critical accessibility requirements, such as barrier-free movement, alternative navigation cues, and inclusive spatial design.