

ITEM NO.62

COURT NO.8

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Miscellaneous Application No. 1143/2025 in SMW(C) No. 2/2024

RECRUITMENT OF VISUALLY IMPAIRED IN JUDICIAL SERVICES Petitioner(s)

VERSUS

THE REGISTRAR GENERAL OF THE HIGH COURT OF MADHYA Respondent(s)
PRADESH & ORS.

(FOR ADMISSION)

(IA No. 129575/2025 - EXTENSION OF TIME)

WITH

W.P.(C) No. 570/2025 (X)

(IA No. 143628/2025 - EXEMPTION FROM FILING O.T. & IA
No. 143627/2025 - GRANT OF INTERIM RELIEF)

MA 1269/2025 in C.A. No. 3496/2025 (IV-C)

MA 1271/2025 in C.A. No. 3497/2025 (IV-C)

(FOR ADMISSION)

MA 1270/2025 in SMW(C) No. 6/2024 (X)

(FOR ADMISSION)

MA 1255/2025 in W.P.(C) No. 494/2024 (X)

(FOR ADMISSION)

MA 1254/2025 in W.P.(C) No. 484/2024 (X)

(FOR ADMISSION)

Date : 18-08-2025 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA

HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) :

By Courts Motion

Ms. Anchal Bhateja, Adv.

Mr. Amar Jain, Adv.

Mr. Vikram Hegde, AOR

Mr. Abhinav Hansaraman, Adv.

Mr. Arjun Garg, AOR

Ms. Sagun Srivastava, Adv.

Mr. Saaranish Shukla, Adv.

For Respondent(s) : Mr. Ashutosh Kumar Sharma, AOR

Mr. Mukul Kumar, AOR

Mr. Sunny Choudhary, AOR

Mr. Sudarshan Singh Rawat, AOR

Ms. Saakshi Singh Rawat, Adv.

Mr. Sunny Sachin Rawat, Adv.

Ms. Vanshaja Shukla, AOR

Ms. Ankeeta Appanna, Adv.

Mr. Siddhant Yadav, Adv.

Mr. Ajay Bahuguna, Adv.

Ms. Alabhya Dhamija, Adv.

Mr. Bhuvan Kapoor, Adv.

Mr. Madhav Sinhal, Adv.

Mr. Raman Yadav, Adv.

Mr. Jagdish Chandra, Adv.

Dr. N. Visakamurthy, AOR

Mr. Arjun Garg, AOR

Mr. Sudarshan Singh Rawat, AOR

Ms. Saakshi Singh Rawat, Adv.

Mr. Sunny Sachin Rawat, Adv.

Mr. Sameer Shrivastava, AOR

Mrs. Priyanka Shrivastava, Adv.

Mr. S. K. Rungta, Sr. Adv.

Mr. Prashant Singh, Adv.

Mr. Abhishek Garg, Adv.

Mr. Dhananjay Garg, AOR

Ms. Pratiti Rungta, Adv.

UPON hearing the counsel the Court made the following

O R D E R

W.P. (C) No. 570/2025:-

1. Heard Mr. Gaurav Agrawal, the learned Amicus, Ms. Vanshaja Shukla, the learned counsel appearing for the State of Uttarakhand, Mr. Ashutosh Kumar Sharma, the learned counsel appearing for the Uttarakhand Public Service Commission and Mr. Sudarshan Singh Rawat, the learned counsel appearing for the High Court of Uttarakhand.

2. Arguments concluded.

3. Judgment reserved.

4. However, we would like to pass short order so far as the preliminary test which is scheduled to be held on 31-8-2025.

5. We have been given to understand that all those candidates who do not qualify to apply under the category of PWD (as per the letter dated 5-6-2023) cannot apply even in the general category/SC/ST/OBC category.

6. The aforesaid is because of one State Government's Notification dated 26-9-2018 which reads thus:-

"GOVERNMENT OF UTTARAKHAND

Personnel Section-2

No./ XXX(2)/2018/30(05)/2014

Dehradun: dated 26th September, 2018

OFFICE MEMORANDUM

By suppressing the Office Memorandum No.1673/XXX (2)/2010 dated 10.11.2010 and all the other relevant orders regarding implementation of horizontal reservation regarding direct recruitment and promotion for the persons with disabilities in the State Government Services, and in continuation of the Government Order No.312/XXX(2)/2018-30(05)2014 dated 27.10.2017 and Government Order No.112/XXX(2)2018-30(05)2014 dated 14.06.2018 issued in reference to the Rights of Persons with Disabilities Act, 2016 (Act No.49/2016) dated 27.12.2016, I have been directed to determine the following procedural guidelines regarding the direct recruitment and promotion in State Government Services under the provisions prescribed for PWD Category of persons with disabilities:-

1. Extent of Reservation for Persons with Disabilities:-

Vide Act, 2016 of Government of India, 1-1% reservation for following category a, category b, category c, and total 1% reservation for category d and category e, has been allowed to the persons with disabilities in direct recruitment and promotion:-

- (a) Blindness and low vision.
- (b) Deaf and hard of hearing.
- (c) Locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims, and muscular dystrophy.
- (d) Autism, intellectual disability, specific learning disability, and mental illness.
- (e) Multiple disabilities from amongst persons under clauses (a) to (d), including deaf-blindness

2. Identification of Posts for Persons with Disabilities:-

The recommendations of Committee constituted vide Office Memorandum No. 01/XXX(2)/18/30(05)/14 dated 03.03.2018 under the chairmanship of Additional Chief Secretary, Social Welfare Department, Government of Uttarakhand for identification of posts reserved for persons with disabilities in State Government Services, shall be applicable on posts of Group A, B, C, and D as per Rule.

3. Identification of Suitable Posts for Persons with Disabilities:

The posts will be notified by Social Welfare Department in view of the disability of persons with disabilities in different Departments. The Committee of concerned Departments shall have the right to identify posts, other than the posts already identified by the Social Welfare Department, Regarding the convenience/utility of working of persons with disability on the concerned post, the identified posts shall be re-examined by the Committee after a period of every 03 years. The Committee can earmark the posts identified for disabilities, for all or more than one categories of disability, in which, the consideration shall be made on the basis of percentage of disability.

4. Exemption from Reservation of Persons with Disabilities:

If any Department thinks it necessary to partly or fully exempt any institution from the reservation for persons with disabilities, then, the concerned Department by submitting it's favour before the Committee constituted under the chairmanship of Chief Secretary/ Principal Secretary/ Secretary, Social Welfare Department, as the case may be, the recommendation of Committee will be submitted before the Hon'ble Chief Minister for consideration.

5. Regarding the Group and Grade of posts reserved for persons with disabilities:-

In the event of changing any post identified for disability, in the pay-scale of any post or from one Group (Grade) to other Group (Grade), the identification of said post shall remain as it is.

6. Appointment on Unreserved Posts:-

In the suitable posts identified for the person with disabilities, the person with disabilities cannot be denied from participating for appointment on any unreserved post. The person suffering from such disability can be appointed on unreserved post, if the said post has been identified for the persons suffering from the disability of relevant category.

7. Adjustment of candidates selected on merits:-

The adjustment of person with disabilities selected on merits from direct recruitment alongwith other candidates without

relaxation in conditions, shall not be done against the reserved vacancy. The reserved vacancies shall be filled up through such persons with disabilities, who otherwise are suitable for selection in the relaxed conditions.

8. Competent Authority for Disability Certificate:-

For issuance of Disability Certificate in State Government Services, the State Medical Board constituted by the Government will be Competent Authority. It is necessary to have at least 03 members in the Medical Board, out of which, at least one member should be the Expert Member of particular field for evaluating the locomotor disability or cerebral palsy/blindness, or low vision disability/ hard of hearing/ autism, intellectual disability, specific learning disability and mental illness, as the case may be.

9. Validity of Certificate issued by Medical Board:-

After the proper checkup and enquiry, the Medical Board shall issue certificate regarding the permanent disability, where there is no possibility of change in the extent of disability. Medical Board shall indicate the validity period of issuance of Certificate in such cases, in which, there is possibility of change in the disability. For issuance of Disability Certificate the proper appearing of hearing will be granted to the Applicant, and the Medical Board after examining all the circumstantial facts and evidences shall pass order on the Applicant's Applicant according to its discretion.

10. Calculation of Reservation in Direct Recruitment:-

In the matter of direct recruitment in State Government Services, although the persons with disabilities will be recruited only on the suitable posts identified for them, however, the reservation will be calculated on the basis of total number of vacancies of Group A, B, C and D (if the post of Group "D" is outside the dying cadre).

11. Calculation of Reservation in Promotion:-

For promotion on the posts of Group A, B, C, and D in the State Government Services, the calculation will be done on the basis of suitable identified and filled up posts under Group B, C, and D under Direct Recruitment Quota in the concerned establishment and so far as possible, if it is found necessary, thereupon, the extent of eligibility could be expanded. Since, at present reservation in promotion is not allowed in any Grade in the State, therefore, for promotion of persons with disabilities, the calculation will be done on the suitable identified posts according to the Roster as mentioned under Rule 13.

12. Maintenance of Roster for Disabled Reservation:-

(a) 100 Points separate Roster of Group B, C, and D Posts of persons with disabilities for direct recruitment against the suitable identified posts, under State Government Services, will

be prepared by the Appointing Authority.

(b) In the Roster prepared by the Appointing Authority, 100 points will be divided into four parts:-

(a) Blindness & Low Vision	Roster No.25
(b) Deaf & Hard of Hearing	Roster No.50
(c) Locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims, and muscular dystrophy.	RosterNo.75
(d) Autism, intellectual disability, specific learning disability, and mental illness. Or Multiple disabilities from amongst persons under clauses (a) to (d), including deaf-blindness	Roster No. 100

Provided that if the candidate of identified category of disability is not available in any Block, then, said vacancy could be filled up at once by the Appointing Authority from the disability of next category. The adjustment of such filled vacancy shall be done in the next selection year or selection years. If, the candidates are not available for promotion against the vacancies to be filled up on the basis of disabled reservation, then, such vacancy can be filled up through other general candidate, but, in the next selection year, again the consideration will be made on disabled candidate. The process shall remain continued accordingly.

13. Reservation for employees suffered disability during service period:-

For the purpose of reservation in promotion to the employees suffered disability during service period under the State Government Service, shall have to obtain the Certificate related to Disability after being present before the State Medical Board after the date of issuance of this order, but, such reservation will be applicable only on those posts which are identified for disabilities.

14. Relaxation in Age Limit:-

For appointment in the State Government Service, the relaxation in age limit shall be application for the persons with disabilities according to Government Order No.1244/XXX(2)/2005 dated 21.05.2005, even if post is reserved or not. Provided that the said post should be accepted as suitable for the persons with disabilities.

15. Relaxation in Suitability Criteria:-

According to the provisions mentioned in the Service Rules of concerned Department, the relaxation in suitability criteria will be applicable for the persons with disabilities under the

relevant provisions of Right of Persons with Disabilities Act, 2015 of Government of India.

16. Health Examination:-

At the time of entry of disabled persons in government service, the disabled persons shall have to produce the General Health Fitness Certificate before the Appointing Authority as per Rules.

17. Examination Fees and exemption from Application Fees:-

The shall be exempted from payment of prescribed Application Fees/ Examination Fees prescribed for the Competitive Exams to be held by Public Service Commission and Subordinate Service Selection Board in State Government Services, who otherwise, shall enclose the Certificate issued by the Competent Authority on the basis of suitability criteria for selection on the applied post.

18. Notice for Vacancies:-

At the time of publishing notice, advertisement of posts identified for the persons with disabilities in government services, to the Employment Exchange, Uttarakhand Public Service Commission, Uttarakhand Subordinate Selection Board, the following facts shall be taken into consideration:-

1. While issuing advertisement for the posts prescribed for General, SC, ST and OBC categories, the vacancies reserved for (a) Blindness and low vision, (2) Deaf and hard of hearing, (3) Locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims, and muscular dystrophy, (4) Autism, intellectual disability, specific learning disability, and mental illness. (5) Multiple disabilities from amongst persons under clauses (a) to (d), including deaf-blindness, shall be clearly shown, as it has been suitably identified categorywise time to time.

2. The parameter of disability for selection on the posts identified for disability shall be the same which is provided under Right of Persons With Disabilities Act, 2016 of Government of India.

19. Certificate by Demanding-Authority:-

While sending demand letter for selection on the post through Uttarakhand Public Service Commission, Uttarakhand Subordinate Service Selection Commission etc. or by any other method, it shall be compulsory to produce following certificate:-

"It is certified that while sending this demand letter, all the relevant provisions prescribed under Right of Persons with Disabilities Act, 2016 have been followed, and the Roster Cycle as mentioned in Para-13 of the guidelines has been complied."

20. Annual Report related to the representation of persons with

disabilities:-

a. In the month of January of every year, the Social Welfare Department shall prepare Annual Report of posts identified department wise and postwise for each disability, in which, the total numbers of posts, the numbers of employees working against the same and actual numbers of vacancies will be clearly shown. In view of the availability of vacancy in any particular department, the Administrative Department will be informed and the Administrative Department shall direct the Subordinate Appointing Authorities for conducting further proceedings in the matter.

b. In reference to the Public Sector Undertakings, Quasi-Legal, Semi-Government, Corporations and Autonomous Bodies, the information to this extent will be sent by the Bureau of Industries to the Administrative Department.

c. The consolidated details prepared by the Social Welfare Department and the Public Sector Undertaking Bureau will also be sent to the Personnel Department.

21. Nodal Officer for the persons suffering from disabilities:-

For the purpose of determining the procedure of reservation for the posts identified for disabilities under General, SC, ST, and OBC categories, the each Administrative Department shall nominate a Nodal Officer, who shall conduct review/ observation before consideration by Selection Committee/ publication of advertisement in the selections to be made in the Department.

22. Definition of Disabilities

The definitions of for (a) Blindness and low vision, (2) Deaf and hard of hearing, (3) Locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims, and muscular dystrophy, (4) Autism, intellectual disability, specific learning disability, and mental illness. (5) Multiple disabilities from amongst persons under clauses (a) to (d), including deaf-blindness, will be according to the Schedule appended to the Right of Persons with Disabilities Act, 2016 issued by the Government of India.

Regards,
Sd/-
(Radha Ratudi)
Additional Chief Secretary

No.232(1)/XXX(2)/2018 dated as above.

Copy to following for information and necessary action:-

1. Personal Secretary, Hon'ble Chief Minister, Government of Uttarakhand.
2. Personal Secretary, Chief Secretary, Government of Uttarakhand.
3. All Additional Chief Secretary/ Principal Secretary/ Secretary, Government of Uttarakhand.

4. All Head of Department/ Head of Office, Uttarakhand.
5. All Divisional Commissioner/ District Magistrate, Uttarakhand.
6. Secretary, Uttarakhand Public Service Commission, Haridwar.
7. Commissioner, Disabilities, Uttarakhand, Dehradun.
8. All Sections of Secretariat.
9. Executive Director, NIC, Secretariat Campus, Dehradun.
10. Director General, Directorate of Information and Public Relations, Uttarakhand, Dehradun.
11. Incharge, Media Center, Secretariat Campus, Dehradun.
12. Guard File.

By Orders
Sd/-"

7. In view of the aforesaid Notification, the stance of the Uttarakhand Public Service Commission is that only the candidates of identified categories of disabilities are eligible to apply against the General/SC/ST/OBC category notified for the vacancy in question.

8. In the facts and circumstances of this case and for the reasons that we may assign in the main Judgment, we stay the operation of this Notification dated 26-9-2018 in so far as it disentitles PWD to apply for the posts in question in General/SC/ST/OBC category.

9. We further clarify that all those candidates falling under the category of specified disabilities under the Schedule to the Rights of Persons with Disabilities Act, 2016, who had applied, should be given an opportunity to appear in the Preliminary Test scheduled on 31-8-2025 as candidates of general category/SC/ST/OBC Category.

10. In this regard, we further direct that they shall be provided with a scribe and 20 minutes per hour of extra time as per Rules.

11. So far as providing of scribes and extra time is concerned, the candidates concerned shall apply online on soexamtw02@gmail.com to the Public Service Commission by 22-8-2025 by 5.00 p.m.

12. The State of Uttarakhand has something to say so far as the issue of domicile is concerned. Ms. Shukla shall file her detailed submissions in writing within a period of one week from today.

13. On the issue of domicile, we request the learned Amicus also to give us a separate note which should contain entire case law over a period of years.

M.A. NO.1254/2025, M.A. NO.1255/2025 and M.A. NO.1270/2025:-

The aforesaid Miscellaneous Applications stand disposed of in view of the compliance report filed by the Rajasthan High Court.

M.A. No.1269/2025:-

1. The said Miscellaneous Application is disposed of on the statement that the recommendation has been made by the High Court. However, appointments are awaited.

2. In this regard, the learned counsel appearing for the High Court submitted that police verification is pending. Once the police verification is completed, the appointment letters shall be issued by the State.

M.A. No.1271/2025:-

1. The said Miscellaneous Application is disposed of on the ground that the candidate who is the applicant failed to qualify for the interview.

2. The Registry shall provide one copy of this order at the earliest to all the learned counsel appearing for the State of Uttarakhand, Uttarakhand Public Service Commission and the High Court of Uttarkhand at the earliest.

MA 1143/2025 in SMW (C) No.2/2024:-

List after two weeks.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)