

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

158

CWP-23882-2023

Date of Decision: 19.10.2023

Devendra Bakshi

...Petitioner

Versus

Union of India and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Viren Sibal, Advocate for the petitioner

Ms. Puneeta Sethi, Senior Panel Counsel
for Union of India-respondents

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226/227 of the Constitution of India is seeking direction to official respondents to grant him marks on *pro rata* basis with respect to the exam which was conducted on 24.07.2023 and petitioner despite being physically challenged person was not extended 20 minutes extra as is mandated by law.

2. Learned counsel for the petitioner *inter alia* submits that the petitioner participated in the Combined Graduate Level Exam 2023 which was conducted by Staff Selection Commission. The petitioner belongs to PwBD Category and as per OM No.29-6/2019-DD-III dated 10.08.2022 issued by Department of Empowerment of Persons with Disabilities, Ministry of Social Justice and Empowerment, the respondent was supposed to grant 20 minutes extra to the petitioner. The petitioner had secured requisite certificate from PGIMER, Chandigarh still the respondent, during the course of exam,

refused to recognize the aforesaid certificate and did not grant him additional 20 minutes. Resultantly, the petitioner could secure 81.1661 marks and cut-off is 126.68201 marks.

3. Learned counsel for the respondent, who on advance notice is present in Court, submits that Staff Selection Commission normally conducts aforesaid examination on annual basis. The petitioner has secured 81.1661 marks whereas cut-off is 126.68201 marks. The petitioner, at this stage, cannot be granted another opportunity to appear and limited prayer of the petitioner is that he may be granted marks on *pro rata* basis. Even if petitioner is granted marks on *pro rata* basis, he would not be able to cut the ice. The petitioner had not furnished disability certificate in prescribed form.

4. I have heard the arguments of learned counsels for the parties and perused the record with their able assistance.

5. From the perusal of record, it comes out that petitioner is suffering from writer's cramp (dyslunia). PGIMER Chandigarh has issued certificate dated 06.06.2023 confirming disability of the petitioner. The petitioner participated in the exam and secured 81.1661marks and cut-off is 126.68201 marks. Even if marks of the petitioner are re-calculated on *pro rata* basis extending benefit of 20 minutes, the petitioner would not be able to achieve the cut-off of 126.68201 marks.

6. In the wake of above facts and findings, this Court is of the considered opinion that present petition sans merit and deserves to be dismissed. Accordingly dismissed.

7. On the request of learned counsel for the petitioner, it is made clear that if the petitioner, in future, participates in the exam, the respondent-authorities shall consider the certificate issued by PGIMER Chandigarh in true spirit. The petitioner is also advised to get the disability certificate in the prescribed proforma.

(JAGMOHAN BANSAL)
JUDGE

19.10.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>