

rajshree

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL WRIT PETITION NO.765 OF 2025

Dinesh Kamlesh Chugh] .. Petitioner

vs.

Union of India] Respondent

Ms.Pooja Thorat for the Petitioner.

Mr.V.M. Mali, AGP for the State.

Ms.Smita Thakur a/w S.V. Bharucha and Jyoti Yadav for Union of India.

**CORAM : BHARATI DANGRE &
ASHWIN D. BHOBE, JJ**

DATE : 17th JANUARY, 2025.

P.C.

1. The Petitioner diagnosed with Schizophrenia and certified as temporary disability in relation to brain, to the extent of 65%, is desirous of appearing in the combined graduate level II examination, 2024 conducted by the Staff Selection Committee for filling up various posts of Group 'B' and 'C' in different ministries/departments/organizations all over India and various constitutional bodies/statutory bodies/ Tribunals etc.

We are informed that the Petitioner has cleared Level I examination and level II examination is scheduled tomorrow i.e. 17/01/2025 at 9.00 a.m.

2. The Petitioner is aggrieved by a communication received by him on 06/12/2024 informing as under :-

“Dear Candidate,
Sorry, as per examination notification, the candidate opting for their own scribe, the qualification of the scribe shall be one step below the qualification of the candidate taking the examination.”

3. The notice published for the combined graduate level examination has set out details including the details of the Posts, vacancies, reservation, age criteria etc. and it also contain the provision of compensatory time and assistance of a scribe for the mentioned category.

Clause 7 of the said notice, clearly prescribe that in case of the persons with bench mark disabilities (PwBD) in the category of blindness, locomotors disability and cerebral palsy, the facility of scribe is provided, if desired by the candidate.

Clause 7.2, pertain to the remaining categories of persons with benchmark disabilities, and provide that, the scribe is to be provided on production of certificate to the effect that the person concerned has physical limitation to write and scribe is essential to take the examination and the certificate should be issued by the Chief Medical Officer/Civil Surgeon/Medical Superintendent of a Government Health Care Institution.

The Petitioner would fall in Clause 7.2 and he also is armed with a certificate dated 02/02/2024, indicating that he has physical limitation, which hampers his writing capabilities owing to his disability.

4. The question that arises for consideration is whether the Petitioner is entitled to have his own scribe or shall be provided scribe at the examination centre.

Though it is the contention of Ms.Pooja Thorat that in the level I examination, the Petitioner was allowed his own scribe, but the instructions of the learned counsel Ms.Thakur representing Union of India, is that though the application for permitting his own scribe was made, but the scribe was allowed at the centre by taking into consideration clause 7.6 of the notice, since the qualification of the scribe to be taken by the candidate as per his/her choice, should be one step below the qualification of the candidate taking up the examination.

The Petitioner is pursuing MBA curriculum, after acquiring the Degree in post graduate in (MA), and the scribe to be permitted, as per clause 7.1 should be the one, who is one step below his qualification i.e. with a graduate degree, but not more than that.

5. The learned counsel Ms.Thakur for the respondent, has

instructions to make a statement that the Petitioner can bring his own scribe, who possess a graduate degree or a scribe shall be provided to him, at the examination centre.

Since the learned counsel made a statement, that the scribe shall be provided by the Department at the time of examination as contemplated in the notice furnished, but the only request made of the Petitioner, he should be permitted to interact with the scribe in advance so that he is able to scribe the answers by taking into account the candidature of the Petitioner in specific.

6. We quite see that though the impugned communication is issued to the Petitioner on 06/12/2024, the Petition is filed only on 15/1/2025 and expressing urgency, it was mentioned before us, and we have granted today's circulation, taking into consideration the fact that the examination is scheduled tomorrow.

We do not think that there is sufficient time on hand, for the scribe to be allowed to meet the Petitioner and to have exhaustive interaction, but what we expect is at least a brief interaction between the scribe and the Petitioner, so that they can coordinate with each other and take up the task of answering the examination, with a collective effort.

7. In the wake of the aforesaid, we direct Ms.Thakur, counsel representing Union of India, to make every attempt for selection of a scribe during the course of the day and if possible permit the scribe to meet the Petitioner either today in the evening or tomorrow early in the morning, since there is no much time available before the examination and only the Petitioner has to be blamed, for this situation as he has knocked the doors of the Court at the Eleventh hour, or else some better arrangements could have been worked for him.

8. We make it clear that since Union of India is represented through the learned counsel Ms. Smita Thakur, she shall establish telephonic communication with the Staff Selection Commission, without awaiting the uploading of the order and the machinery shall geared up for arranging the scribe and for permitting interaction with the Petitioner, at the earliest.

In the wake of aforesaid direction, the Writ Petition stand disposed off.

No order as to cost.

(ASHWIN D. BHOBE, J.)

(BHARATI DANGRE, J.)