

rajshree

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.1834 OF 2024**

Dharmendra Kumar	]	..	Petitioner
vs.			
Union of India, Ministry of Personnel,]			
Public Grievance & Pensions,	]		
Department of Personnel	]	..	Respondents

Mr.Rajesh Bhosale, for the Petitioner (Appointment through High Court Legal Service Authority)

Mr.Devang Vyas, Additional Solicitor General of India a/w Sheelong Shah, Vaibhavi Choudhary, Jalaj Prakash, Yash Palan, Savita Ganoo and D.P. Singh, for Union of India-Respondent No.1.

Mr.Vinod Joshi, for Respondent No.5, UPSC.

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

DATE : 9th JANUARY, 2025.

P.C.

1. We have heard the learned counsel for the petitioner, who has assailed the validity of Rule 3 of the Civil Services Examination Rules, 2024 published by the Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training (DOPT) on 14/02/2024 and the ground of challenge is, the differential treatment of the candidates belonging to SC/ST category and those belonging to OBC category, as an SC/ST candidate competing from Persons with

Benchmark Disabilities (PWDT) category, is entitled for unlimited attempts, whereas the candidate belonging to OBC category from the same quota can avail only 9 attempts.

2. The learned counsel Mr.Bhosale appearing for the Petitioner, on being appointed through the Legal Services Authority, has placed reliance upon Office Memorandum issued by Government of India, pursuant to the enactment of the Rights of Persons with Disabilities Act, 2016 and the Rules of 2017 and he would place reliance upon clause 11 of the said Memorandum and in particular Clause 11.2 which contemplate application of same relaxed standards for all the candidates with benchmark disabilities, whether they belong to SC/ST or OBC or even unreserved category.

3. We have also heard the learned learned Additional Solicitor General Mr. Devang Vyas, representing Union of India, who would rely on the Affidavit in Reply filed, dealing with the said Office Memorandum and in turn the contentions raised in the Petition, but he request for some more time

4. We have only appraised Mr. Vyas of the aspect which we want to ponder upon, i.e. whether in a class of physical disabilities there can be sub-classification in category of SC/ST on one hand and OBC/ Open on the other and if there can be any justification, we expect the Government to place before us the intelligible differentia on the basis of which the nexus could be established, as according to us, the larger class is PWDT and prima facie, there can be no further classification in this class.

Since, we are informed that the Notification for examination is likely to published on 24/01/2025, we direct listing of the Petition on 20/01/2025.

(ASHWIN D. BHOBE, J.)

(BHARATI DANGRE, J.)