

**LPA-2408-2025 (O&M)****-1-****109 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****LPA-2408-2025 (O&M)****Date of Decision: 29.10.2025****SACHIN KUMAR****... APPELLANT****VS.****STATE OF HARYANA AND OTHERS****.. RESPONDENTS****CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr.Himanshu Shrama, Advocate,
for the appellant.

Mr. Sourabh Mohunta, DAG, Haryana.

Ms. Sukirti Gupta, Advocate,
for respondent No.2.

**********ASHWANI KUMAR MISHRA, J. (ORAL)**

1. The Appellant suffers from Benchmark Disability of visual impairment. He applied for appointment to the post of Assistant Director (Technical) pursuant to an advertisement issued by the Haryana Public Service Commission on 18.05.2024. Subsequently a corrigendum was issued by the Commission on 04.07.2024 specifying the manner in which recruitment was to be made. Seven posts were advertised, one of which was specifically earmarked for the person with disability (blindness or low vision). As per the advertisement, the selection was to be held in three stages. The first stage was the conduct of a preliminary examination, wherein the minimum qualifying marks was fixed at 25%. At the second stage, which is the written examination, the minimum passing marks fixed by the Public Service Commission is 35%. The third stage was the interview

wherein no minimum qualifying marks were prescribed. The preliminary

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test was held on 15.09.2024, where-after the written examination was held on 06.10.2024. The result of the second stage was announced on 28.10.2024.

2. The appellant cleared the first stage but has not been able to secure the minimum marks required at the second stage. It is the case of the appellant that he is the only person in the disabled category for which the post itself was kept reserved. The case of the appellant is that he is entitled to relaxation in the minimum marks fixed for passing the second stage so that he may be considered for selection. It is also the appellant's case that purpose of reservation would not be sub-served unless relaxation is allowed to the appellant, or else the post itself would remain unfilled and the object of providing reservation would be frustrated. The appellant places reliance upon a policy document of the State of Haryana contained in notification dated 01.05.2012, containing a specific provision for relaxation in the standard of suitability in Clause 21, which is extracted hereinafter:-

“If sufficient number of persons with disabilities are not available on the basis of the general standard to fill all the vacancies reserved for them, candidates belonging to this category may be selected on relaxed standard to fill up the remaining vacancies reserved for them provided they are not found unfit for such post or posts. Thus, to the extent the number of vacancies reserved for persons with disabilities cannot be filled on the basis of general standards, candidates belonging to this category may be taken by relaxing the standards to make up the deficiency in the reserved quota subject to the fitness of these candidates for appointment to the post/posts in question.”

3. Learned counsel for the appellant has also placed reliance upon a notification issued by the Personnel Department of the Haryana Government dated 08.02.2024, whereby the Haryana Civil Services (Executive Branch) Rules, 2008 came to be amended by way of Amendment



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Rules, 2024, as a result of which, in Clause (iii) of sub-rule (1) of Rule 11, the following clause was added:-

“However, where sufficient number of candidates being persons with benchmark disabilities are not available, the Commission may lower the said limit of 45% marks upto 35 % marks.”

4. The appellant also places reliance upon notification issued by the Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training, Government of India, New Delhi, dated 15.01.2018, wherein Clause 11 exists providing for relaxation of the standard of suitability, which reads as under:-

“11.1 If sufficient number of candidates with benchmark disabilities candidates are not available on the basis of the general standard to fill all the vacancies reserved for them, candidates belonging to this category may be selected on relaxed standard to fill up the remaining vacancies reserved for them provided they are not found unfit for such post or posts. However, this provision shall not be used to allow any relaxation in the eligibility criteria laid down for the issuance of certificate of disability.

11.2 Same relaxed standard should be applied for all the candidates with Benchmark Disabilities whether they belong to Unreserved/SC/ST/OBC. No further relaxation of standards will be considered or admissible in favour of any candidate from any category whatsoever.”

5. Emphasis is also laid upon the judgment of the Supreme Court in *Suo Motu Writ Petition (Civil) No. 6 of 2024*, 2025 INSC 300, wherein the Court has observed as under in paragraph 67.1 (iv) as under :-

“(iv) Relaxation can be done in assessing suitability of candidates when enough PwD are not available after selection in their respective category, to the extent as stated in the relevant paragraphs above, and in the light of existing Rules and Official Circulars and executive orders in this regard, as in the present case.”

6. Learned counsel for the appellant has also invited our attention to the judgment rendered by the Division Bench of the Madhya Pradesh



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High Court in Saroj Dehariya Vs. The State of Madhya Pradesh and others, wherein the Court has observed that the purpose of reserving posts for persons belonging to benchmark disabilities would not be sub-served unless adequate relaxation is provided to such persons.

7. Having taken note of such contentions, we passed the following order on 26.09.2025:-

“Learned counsel for the appellant has invited our attention to the Government Order issued by the State of Haryana on 29.02.2024 as well as Notification dated 08.02.2024 to indicate that the minimum merit of 45% specified for recruitment to Haryana Civil Services has been reduced to 35% for persons with Benchmark Disability. Reliance is also placed upon the judgment of the Supreme Court in Re: Recruitment of Visually Impaired in Judicial Services (Suo Motu W.P. (C) No.2 of 2024), 2025 INSC 300 to submit that relaxation can be done in assessing suitability of candidates when enough PwD are not available after selection in their respective category in light of the relevant Circulars and executive orders. He further submits that the minimum passing marks of 35%, at the second stage, has not been appropriately reduced to accommodate persons with Benchmark Disability. The consequence is that the solitary post earmarked for Visually Impaired candidate has remained unfilled despite the availability of appellant who is the only candidate available in such category. It is argued that the very object of providing reservation to PwD candidates would be frustrated if appropriate relaxation is not allowed to such category of persons.

Learned State counsel seeks adjournment in order to clarify the position.

On his request, adjourned to 29.10.2025.”

8. Mr. Sourabh Mohunta, learned State counsel, on instructions received from the State Government, contends that the State is conscious and committed to providing adequate representation to persons suffering from benchmark disabilities so that they can be brought into the mainstream. For such purposes, the State has issued various policies from time to time providing for reservation to such persons. Learned State counsel further submits that while ensuring representation to persons suffering from benchmark disabilities, the State is also required to maintain

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administrative efficiency, and for such purposes, minimum standards required for efficient handling of the responsibilities of the posts must be ensured.

9. It is the case of the respondent-State that, in furtherance of such policy, the State issued the notification on 08.02.2024 reducing the lower limit of 45% for appointment to Haryana Civil Services (Executive Branch) to 35% marks. In the present case, the minimum marks required to be passed by a candidate at the second stage of recruitment is already fixed at a lower level i.e. 35%. It is argued that, in the assessment of the State, 35% would be the minimum marks required to be obtained by a candidate in order to ensure that the efficiency of the service is not compromised. It is, therefore, the case of the State that any further reduction from the minimum 35% marks would not be desirable in the interest of administrative efficiency. It is also the case of the State that relaxation in the minimum marks would otherwise be allowable only at the last stage and cannot be claimed as a matter of right at the intermediate stages. Learned State counsel further submits that in the event the appellant's contention is accepted then it would be possible for a person even at the first stage to come and contend that, because no other person is available, the minimum 25% marks required at the first stage should also be waived so as to accommodate him. Learned State counsel has also invited our attention to the provisions of the Rights of Persons with Disabilities Act, 2016 (hereinafter referred to as 'the Act of 2016'), wherein Section 34 provides for reservation. Sub-Section 3 of Section 34 empowers the appropriate Government, by way of notification to provide for such relaxation in the upper age limit for employment of persons

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with benchmark disabilities, as it thinks fit. Relying upon such provision, it is contended that the limited relaxation which can be claimed by a person suffering from benchmark disability is only in respect of upper age and that no case can be set up for reduction in the minimum marks fixed for appointment to the post in the Act of 2016. It is also argued that the observations made by the Supreme Court in the *Suo Motu* case merely provides for permissibility of relaxation in assessing suitability of candidates, when enough persons with benchmark disabilities are not available after selection in their respective categories, but such relaxation can only be in the light of existing rules, official circulars and executive orders in that regard. It is further urged that such relaxation can in no case be at the cost of compromising the efficiency of the post itself.

10. We have heard learned counsel for the parties and have gone through the record with their able assistance.

11. From the facts placed on record, it is apparent that the selection for the post of Assistant Director is in three stages. Minimum marks have been prescribed for the first two stages in the advertisement itself. At the first stage, the minimum marks for qualification is 25%. The appellant has cleared this stage. It is at the next stage that the appellant has not been able to succeed because he has not obtained 35% minimum marks. It is also not clear as to what exactly are the marks obtained by the appellant at the second stage. The question that falls for our determination in the present case is whether the appellant is entitled to issuance of a writ of mandamus commanding the State to reduce the minimum marks fixed at the second stage of recruitment, so as to ensure that the appellant qualifies the second



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stage and, thereby, the post reserved for benchmark disability could be filled as the appellant is the only applicant in this category?

12. At the outset, we may state that there are two competing aspects which have to be simultaneously kept in mind while adjudicating the present controversy. The first being to bring persons with benchmark disabilities in the mainstream and the other to secure administrative efficiency in public administration.

13. It is the avowed policy of the State to provide encouragement to persons suffering from benchmark disabilities so that they get due representation in the affairs of public administration and are brought into the mainstream. With such object, the Parliament has already enacted the Act of 2016. Prior to the Act of 2016, the previous enactment was the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (for short 'the Act of 1995'). In the Act of 1995, the provision for reservation is contained in Sections 33 to 36. Section 33 provided for reservation of posts, while Section 36 provided for carrying forward of unfilled vacancies. Our attention has not been invited to any specific provision in the Act of 1995 providing for relaxation in eligibility or prescription of age, etc., for persons falling in the category of benchmark disability. Such provision, however, has been brought about in the Act of 2016, which is contained in Section 34 (3) and reads as under:-

“The appropriate Government may, by notification, provide for such relaxation of upper age limit for employment of persons with benchmark disability, as it thinks fit.”

14. The Parliamentary intent is, therefore, to provide for relaxation of the upper age limit for employment of persons with benchmark disability.

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This power is to be exercised by issuance of a notification, and the extent of relaxation is left to be determined by the appropriate State. In furtherance of such provision, most of the States including the State of Haryana has issued notification providing for relaxation in the maximum age for employment in respect of persons suffering from benchmark disability. The notification shows that such relaxation is to the extent of 10 years, subject to a maximum age of 52 years of age.

15. So far as relaxation in the standard of suitability for recruitment of a person belonging to the benchmark disability is concerned, no provision in the Act of 2016 is shown to exist. However, the State policy contained in the notification dated 01.05.2012 provides that if sufficient number of persons with disabilities are not available on the basis of the general standard to fill all the vacancies reserved for them, then candidates belonging to this category may be selected on relaxed standard to fill up the remaining posts, provided that they are not found unfit for such post or posts. The policy therefore contemplates that the general standard for recruitment may be relaxed to make up the deficiency in the reserved quota, subject to the fitness of these candidates for appointment to the posts in question.

16. The policy to relax the standard of suitability for persons with benchmark disability is thus conditioned by the requirement that such person is not unfit for the post. The prescription of minimum qualification for determining whether a person is fit for the post has to be conceded to the appropriate employer, i.e. the State. In the recruitment notification, the

minimum criteria for fitness has been fixed at different stages of

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recruitment. At the first stage, the criteria is obtaining of 25% marks, while at the second stage, it is 35% marks. The policy of the State contained in the notification dated 08.02.2024 also limits the lower threshold of marks to 35%. There is no other policy or statutory provision which permits or allows further reduction in the minimum marks below 35%.

17. Learned counsel for the appellant has vehemently argued that the notification dated 08.02.2024 implements the general policy of relaxation whereby the minimum marks of 45% stand reduced to 35%. However, where the recruitment rules themselves prescribe 35% as the minimum, there must necessarily be further reduction, or else the policy of relaxation would be treated to have not been applied in the recruitment in question.

18. The submission advanced on behalf of the appellant needs careful scrutiny in the light of the statutory framework noticed above. We may reiterate that what would be the minimum marks required to be obtained by a candidate so as to be considered fit for the post is an aspect to be determined by the State Government or the appropriate employer. The State Government/Commission, in this case, has fixed the minimum marks at the second stage of recruitment as 35%. There is no policy or statute which mandates the Commission to reduce the minimum marks fixed by it to an extent that the fitness of the candidate is compromised. There is otherwise no material to show that a person obtaining below 35% marks could be treated as fit for the post. In the absence of any enabling statute or policy, it would not be open for the Court to hold that any further relaxation

in the minimum marks be mandated, particularly when it is not clear as to



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whether such reduction would be consistent with the fitness of the candidate for the post.

19. The general policy contained in the notification dated 01.05.2012 cannot be construed to obligate the employer to relax the standard of suitability to such an extent that it requires lowering of the standard of fitness required for the post. The policy, rather, is just the otherwise. The relaxation must remain consistent with the required fitness for the post.

20. The judgment of the Supreme Court in *Suo Motu* case relied upon by the appellant also cannot come to his rescue, inasmuch as the Court merely made it permissible for relaxation to be incorporated for protecting the cause of persons suffering from benchmark disabilities in accordance with applicable rules and policies. In the absence of any statutory mandate or applicable policy requiring the Commission to relax norms in recruitment below the level fixed for the fitness for the post, it would be difficult for us to hold that the appellant is entitled to issuance of a writ in the nature sought for.

21. There are two other considerations which persuade this Court not to grant the relief prayed for by the appellant. First and foremost, it is not clear as to how many marks are secured by the appellant at the second stage. To what extent lowering of marks would be required in order to accommodate the appellant, thus, is not ascertainable. In the event relaxation is made mandatory for filling up posts reserved for persons with benchmark disabilities, then, the aspect of fitness of the candidate would be



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bypassed and administrative efficiency compromised, which would run counter to the predominant public interest.

22. The other aspect which dissuades the Court from granting relief to the appellant is the stage at which such relaxation is to be granted. Ordinarily, relaxation would be allowed at the final stage of recruitment. In the event relaxation is allowed at every stage, the recruitment itself would become chaotic, inasmuch as a person suffering from benchmark disability would then contend that at the first stage also, relaxation in the minimum marks be ordered by the Court so as to ensure his selection. This would result in compromising the minimum level of efficiency required for the post.

23. We are, therefore, of the considered view that the competing interests of fitness of candidates for public employment, in order to maintain administrative efficiency, will have to be simultaneously protected while defending the cause of persons suffering from benchmark disabilities, and excessive emphasis on one at the cost of the other would not be desirable. In this regard, we are inclined to adopt the view taken by the Division Bench of the Delhi High Court in **'Md. Shah Afzal Vs. Medical Council of India and another'** 2010 (7) SCT 303, wherein the Court has observed as under in a somewhat similar situation:-

“...However, beyond reservation there is the further issue of relaxation of standards. There is an argument and a very compelling one, too, that while reservation of seats may be justified, lowering of standards by relaxing the minimum requirements is certainly not justifiable. In this context, it may be argued that once seats have been reserved, the lowering of standards along with it, would be violative of Article 14. There are also arguments on the other side that unless and until the reservation is coupled with a relaxation or a concession, reservation by itself would be meaningless inasmuch as the seats would go a begging. We are not entering into that controversy, though we feel that someday a fresh look would be

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required to be given to the concept of reservation coupled with relaxation of marks particularly in the field of professional education. For the present, it is sufficient for us to observe that insofar as physically disabled persons are concerned, they have a right to reservation but there is no right to relaxation or a concession in the minimum standards. And unless and until such a right is established, no mandamus or writ can be issued to any authority to give them the relaxation / concession that they seek.

24. Resultantly, we do not find any occasion to interfere with the judgment of the learned Single Judge, declining to grant the relief on the ground that appellant having willingly participated in the selection process, wherein the norms were made known, cannot now raise a claim for relaxation in the standard of recruitment.

25. The appeal lacks merits and is accordingly dismissed.

26. Pending applications, if any, also stand disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

29.10.2025
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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No