



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

136

CWP-26278-2025
DECIDED ON:04.09.2025

AMIT KUMAR

...PETITIONER

VERSUS

HARYANA STAFF SELECTION COMMISSION AND ANR.

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Ankur Sidhar, Advocate, for the petitioner.

Mr.Sanjeev Kaushik, Advocate with
Mr. Divyansh Kaushik, Advocate, Ms.Manpreet Kaur and
Ms.Anisha Rana,Advocates for the respondent (HSSC)

SANDEEP MOUDGIL, J**1. Prayer**

The petitioner has approached this Court under Article 226 of the Constitution of India seeking issuance of a writ of *mandamus* directing the respondent-Commission to either conduct a re-examination of the petitioner in CET-2025 permitting him to appear with a scribe or, in the alternative, to consider him eligible for CET Mains examination. Also, a further prayer for compensation of Rs. 10 lakhs has also been made alleging harassment and violation of his fundamental rights.

2. Brief Facts

The petitioner, a person with 55% disability in the right upper limb, applied under Gen-PWD category for the Common Eligibility Test (CET)-2025 conducted by the Haryana Staff Selection Commission. He was issued an admit card for 26.07.2025. On the exam day, the petitioner appeared along with his proposed scribe, Tanisha, a Class XI student. He alleges that he was

not permitted to use her as scribe on the ground of her being over-qualified as per guidelines, resulting in his inability to take the exam.

The respondents, however, contend that in his online application form, the petitioner had himself opted “No” against the column regarding use of own scribe. Despite this, he was allowed to bring a scribe. On the date of exam, his scribe submitted a written application citing health issues and declined to act. Since under Clause 6.8 of the advertisement the candidate had to arrange his own scribe, the Commission was not obliged to provide a replacement. It is further stated that the petitioner misbehaved at the exam centre and later filed this petition seeking a re-examination or declaration of eligibility for CET Mains along with compensation.

3. **Contentions**

On behalf of Petitioner

Learned counsel for the petitioner submits that the action of the respondents in denying the petitioner a scribe was wholly arbitrary, illegal and contrary to the terms of the advertisement itself and amounts to violation of his fundamental rights guaranteed under Articles 14 and 16 of the Constitution of India. It is urged that the petitioner, being a person with benchmark disability to the extent of 55% in the right upper limb, is entitled to the assistance of a scribe under Chapter 6 of the CET-2025 advertisement.

It is further submitted that the scribe produced by the petitioner, namely Tanisha, had passed matriculation and was pursuing Class XI and her candidature could not have been rejected merely because she was pursuing Class XI.

It is advanced that the action of the respondents has resulted in depriving the petitioner of his fundamental right of equality of opportunity in public employment and the principle of reasonable accommodation under the

Rights of Persons with Disabilities Act, 2016 which obligates the respondents to ensure effective participation of the petitioner in the recruitment process and the refusal to allow the petitioner to use his scribe has caused him irreparable prejudice.

The counsel for the petitioner has vehemently argued that the respondents have acted in a non-transparent and arbitrary manner by fabricating a story that the scribe herself refused to act due to ill-health, whereas in reality she was dissuaded by the Centre Superintendent. The alleged letter of refusal is stated to be a procured and self-serving document, not bearing the true and voluntary consent of the scribe. In view of the above the petitioner maintains that he was thus unlawfully prevented from participating in the CET-2025 examination and consequently prays for a direction to either conduct his re-examination with a scribe or to treat him as qualified for CET Mains, and further seeks compensation for the harassment and irreparable loss caused to him

On behalf of Respondents

Learned counsel for the respondent-Commission has contested the claim and submits that the petitioner is not entitled to any relief as he himself opted “No” for scribe facility in his online application form, and therefore cannot now claim a right contrary to his own declaration. It is argued that as per Clause 6.8 of the advertisement, the responsibility to arrange a scribe rests solely with the candidate, and the Commission is under no obligation to provide or substitute a scribe.

It is further submitted that the scribe produced by the petitioner was not eligible, being over-qualified beyond matriculation, and in any event, she herself submitted a written request at the examination centre citing health reasons for her inability to act as scribe. Thus, the petitioner’s non-

participation was due to his own circumstances and not due to any arbitrary action of the respondents.

Counsel lastly contends that no violation of Articles 14 or 16 is made out, and that the claim of compensation is wholly unsustainable in absence of any mala fide on part of the Commission. Accordingly, the writ petition deserves dismissal.

4. Analysis

Having considered the rival submissions and perused the record, this Court finds no ground to interfere in exercise of jurisdiction under Article 226 of the Constitution of India. The entitlement to a scribe in the recruitment process is not an unqualified right, but one governed by the terms of the advertisement and the statutory framework. Clause 6.4 of the CET-2025 advertisement clearly stipulates that the scribe must be qualified only up to matriculation, and Clause 6.8 categorically provides that the candidate has to make his/her own arrangement of a scribe. Relevant provisions have been reproduced below:

“Assistance to Persons with Disabilities

Following facilities will be made available to Persons with Benchmark:

6.1. In case of candidates with benchmark disabilities in the category of blindness, locomotors disability (both arm affected-BA) and cerebral palsy, one scribe will be allowed, if so desired by the candidate, without production of Certificate of physical limitation (Annexure V).

6.4 The qualification of the scribe should be upto Matriculation only. Further, the scribe has to produce a valid ID proof in original alongwith a copy duly signed by the candidate as well as the scribe at the time of examination as per performa at Annexure-VI.

6.8 The candidate has to make his/her own arrangement of a scribe.”

In the case at hand, the petitioner’s scribe was admittedly a Class XI student, thus beyond the permissible qualification as provided in the provisions of the advertisement. More importantly, the record placed before

this court demonstrates that the scribe herself submitted a written application at the exam centre citing ill health and seeking exemption. Once the scribe brought in by the petitioner voluntarily declined, the Commission was under no obligation in law to provide an alternative in lieu of Rule 6.8. The plea of the petitioner that he was arbitrarily denied participation therefore, cannot sustain legal scrutiny.

Coming to the argument raised by the petitioner that denial of a scribe violates Articles 14 and 16 of the Constitution of India and the Rights of Persons with Disabilities Act, 2016, is misconceived. The said enactment ensures reasonable accommodation, but cannot be interpreted to negate the explicit conditions of the recruitment advertisement. In fact, the Commission had already extended indulgence by permitting the petitioner to bring his own scribe despite his online declaration to the contrary but the inability of the scribe to act cannot be attributed as arbitrariness or malafide action on part of the respondents.

This court is sanguine of the settled law that a writ of *mandamus* can be issued only when a legal right is shown to exist and a corresponding duty is cast upon the authority. No such enforceable right is made out in the present facts. The reliance placed on the Rights of Persons with Disabilities Act, 2016, is misplaced, as the provisions do not entitle a candidate to bypass prescribed conditions of recruitment.

Accordingly, the present writ petition is **dismissed**.

(SANDEEP MOUDGIL)
JUDGE

04.09.2025
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No