



123 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA-3113-2025 (O&M)
Date of decision: 19.11.2025

...Appellant

Pankaj Kumar Mehta

Vs.

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR

Present: Mr. Abhay Pratap Singh Chauhan, Advocate (legal aid)
for the appellant.

Mr. Saurabh Mohunta, D.A.G. Haryana.

Ms. Harpriya Khaneka, Advocate
for the respondent(s)-HPSC.

ASHWANI KUMAR MISHRA, J. (Oral)

1. This appeal seeks to assail judgment of learned Single Judge dated 13.08.2025 in CWP-23487-2025, whereby, the claim put forth by the appellant for grant of reservation in the category of Persons with Disability at the intermediary stage of selection by providing a separate cut off marks, has been rejected.

2. It transpires that the respondent-Commission published advertisement No. 45 of 2024 dated 02.08.2024, whereby, applications were invited for selection to the post of Assistant Professor in the stream of Computer Science. The selection was to be held in three different stages i.e. screening test, written test and viva-voce.



3. The appellant pertains to unreserved class and has sought reservation in the category of Persons with Disability as Visually Impaired person. The advertisement indicated that six posts were earmarked for Persons with Benchmark Disability under Visually Impaired category and one for Multiple Disability category. Out of these vacancies, five are backlog vacancies. It appears that after the screening test was conducted only two candidates with Benchmark Disability have been shortlisted for the Subject Knowledge Test. In terms of the instructions accompanied with the advertisement, if the suitable candidates against these five backlog posts are not available, the post can be filled by interchange among the four categories of disabilities. Learned Single Judge has noticed that in case the petitioner, who belongs to General OH category, is not shortlisted at this stage, his right to be considered by interchange of these backlog posts would be defeated.

4. Learned Single Judge has taken note of the stand of the counsel for the Commission and has ultimately declined to interfere in the writ petition by observing as under:-

"3. Learned counsel for the Commission, on instructions, contends that the petitioner is an applicant for the post as a General OH category candidate with sub-category OH. In the Screening Test, he has obtained 46.39 marks, as against the cut-off at 71.64 for the General category candidates. Besides, another candidate, who has secured more marks than him and belongs to General OH sub-category, has also not been shortlisted for the Subject Knowledge Test. She further contends that there are many candidates of reserved and unreserved categories, who are Persons with Benchmark



Disabilities, have already been shortlisted for the Subject Knowledge Test. The reservation being horizontal in nature, such candidates will have a right to be considered against the vacancies by inter-changing the posts in terms of the instructions, dated 25.04.2018.

4 *In view of the facts brought to the notice of this Court by learned counsel for the Commission, the petitioner cannot be held entitled to be considered for further stages of selection only on the ground that he belongs to PwBD sub-category and has a right to be considered against a vacant backlog post of this category by inter-change with other sub-categories in terms of instructions dated 25.04.2018. The reservation to the category is horizontal, and the posts are to be filled by eligible candidates across all categories, general as well as reserved, belonging to the PwBD category as per their merit, and many such candidates have already been shortlisted for the Subject Knowledge Test."*

5. Learned counsel for the appellant places reliance upon an order passed by Hon'ble Supreme Court in ***Suo Motu Writ (Civil) No. 2 of 2024 in RE: Recruitment of Visually Impaired in the Judicial Services***, wherein a direction has been issued by the Supreme Court to prepare a separate cut-off for Persons with Benchmark Disability so that required candidates are available to take the main exam. Learned counsel has also placed reliance upon the judgment dated 03.03.2025, of the Hon'ble Supreme Court in ***Re: Recruitment of Visually Impaired in Judicial Services in Sua Motu Writ petition (Civil) No. 2 of 2024*** alongwith ***Suo Motu Writ Petition (Civil) No. 6 of 2024***, wherein, following observations are made in paragraph 63.3:-



"63.3 Taking note of all these aspects, we are of the opinion that maintaining and operating a separate cut-off list is mandatory for each category, which axiomatically includes PwD category as well. Non-declaration of cut-off marks affects transparency and creates ambiguity, and candidates being not informed about the basis of their results. Such candidates are left uninformed about the last mark scored by the qualifying candidate belonging to the particular category, to be able to get through to the next stage of selection process. In effect, it compels PwD candidates to compete with other category candidates on unequal terms. Further, when the Rules referred to above, considered the PwD as a separate category and provided them with reservations, it is indispensable on the part of the authorities concerned to declare separate cut-off marks for PwD category at each stage to ensure that those similarly placed candidates are adequately represented in the service fulfilling the very purpose of reservation. The non-disclosure of cut-off marks would lead to a situation, where such candidates may not be adequately represented in the judicial service, which is against the provisions of the RPwD Act, 2016. Therefore, we direct the authorities concerned to declare separate cut-off marks and publish separate merit list for the PwD category at every stage of the examination and proceed with the selection process accordingly."

6. Learned counsel for the respondent-Commission, however, has placed reliance upon the judgment of the Hon'ble Supreme Court in **'Rekha Sharma Vs. The Rajasthan High Court, Jodhpur & Anr.'**, reported in 2024, **AIR Supreme Court 4241**, wherein, the Court has observed as under in paragraphs 14 and 15:-

"14. The concept of Overall Reservations and Compartmentalised Reservations is also aptly explained by this Court in Anil Kumar Gupta and Others vs. State of U.P.



and Others (1995) 5 SCC 173. It has been observed therein that where the seats reserved for the Horizontal Reservations are proportionately divided amongst the Vertical (Social) Reservations and are not intertransferable, it would be a case of Compartmentalised Reservations, whereas in the Overall Reservation, while allocating the special reservation candidates to their respective social reservation category, the Overall Reservation in favour of special reservation categories has to be honoured. Meaning thereby the special reservations cannot be proportionately divided among the Vertical (Social) reservation categories, and the candidates eligible for special reservation categories have to be provided overall seats reserved for them, either by adjusting them against any of the Social/Vertical reservations or otherwise, and thus they are intertransferable.

15. As could be seen from the advertisement itself, the reservation for women (widow or divorcee) was compartmentalised reservation, whereas the reservation for the persons with benchmark disabilities was overall reservation. The respondents therefore in the notice declaring result of Preliminary Examination had rightly shown the cut off marks for all the categories except for the category of persons with benchmark disabilities. The Persons with benchmark disabilities for being adjusted in the category for which he or she had applied, had to secure the minimum cut off marks fixed for such category under which he or she had applied. Such fixation of cut off marks for other categories and non fixation of cut off marks for the category of persons with benchmark disability could neither be said to be arbitrary nor violative of any of the Fundamental Rights of the appellants."

7.

Reliance is also placed upon an order passed by this Court in



LPA-2408-2025, '**Sachin Kumar Vs. State of Haryana and others**', wherein we observed as under:-

"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 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."

8. Having heard learned counsel for the parties at some length, we are not persuaded to interfere in the matter, inasmuch as the grant of protection to persons suffering with disability has to be viewed in the context of maintenance of deficiency in the employment, and both the concerns would have to simultaneously catered. In the facts of the present case, we find that the appellant pertains to unreserved category and the insistence on part of the respondent is that the persons suffering with disability, belonging to the unreserved category, must compete at the first stage with all those who qualify the screening test. The advertisement does not indicate that any separate maintenance of merit list is contemplated at this stage. It is for this reason that separate cut-off is not provided at the stage of screening test. So far as the observations made by the Hon'ble Supreme Court in the matter of recruitment in District Judiciary is concerned, the observations of the Court cannot be stretched to include all other recruitment in public services. We also find substance in the contention of the respondents that the argument regarding interchangeability of respective category of disability, which explode at the initial stage of screening test itself, would make the entire process difficult, inasmuch as, it cannot be ascertained at this stage as to how many persons in the respective categories would be available at the last stage. It can also not be predicted as to how much relaxation would be required to ensure inclusion of person with disability.

9. In such circumstances, we find substance in the proposition that the interchangeability of category or grant of reservation to physically disabled candidates would be desirable at the ultimate distinction, particularly, as no stipulation suggesting the contrary is otherwise made in the advertisement itself. The judgment of the Supreme Court in ***Rekha Sharma*** (supra) is fully attracted.
10. In that view of the matter, we find no ground to interfere.
11. The appeal is ***dismissed***.
12. All the pending miscellaneous applications, if any, also stand disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

19.11.2025

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Whether speaking/reasoned :
Whether Reportable :

Yes
Yes

No
No