

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-8688-2026

Decided on: 25.03.2026

SANJEEV KUMAR

...PETITIONER

VERSUS

STATE OF HARYANA AND ORS.

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Abhijeet Singh Rawaley, Advocate for the petitioner.

Mr. Deepak Balyan, Addl. AG Haryana

SANDEEP MOUDGIL, J

Prayer

1. The present writ petition under Article 226 of the Constitution of India has been filed by the Petitioner, a person with benchmark disability, seeking consideration for promotion under the PwD quota from the respective dates of eligibility, along with consequential benefits. The Petitioner also challenges the order dated 11.03.2026 whereby he has been reverted from the post of Deputy Forest Ranger, contending that his statutory right to reservation in promotion under the Persons with Disabilities Act, 1995 and the Rights of Persons with Disabilities Act, 2016 has been denied.

Brief Facts

2. The present writ petition arises out of a service dispute concerning denial of reservation in promotion to a person with benchmark disability. The Petitioner, born on 22.02.1978, suffers from haemophilia—a hereditary blood

disorder—which stands certified as a benchmark disability. Upon the demise of his father on 17.07.1992, the Petitioner became entitled to compassionate appointment. Consequently, he was appointed as a Forest Guard on 07.03.1996 by the State of Haryana.

3. Under applicable instructions, he ought to have been appointed as Forester at the initial stage itself. This anomaly was later acknowledged by the State, which issued an order dated 08.01.2021 granting him notional appointment as Forester w.e.f. 07.03.1996., the said benefit stood withdrawn pursuant to dismissal of his LPA on 11.11.2025, restoring his original appointment as Forest Guard.

4. In the interregnum, based on the 2021 order, the Petitioner was promoted to the post of Deputy Forest Ranger on 18.02.2021 and continued to discharge duties on that post. However, at no stage was he considered under the reservation quota for persons with disabilities, despite statutory mandate under the Persons with Disabilities Act, 1995 (in short 1995 act) and later the Rights of Persons with Disabilities Act, 2016 (in short 2016 act). He was eventually promoted to Forester only on 01.08.2017 on general seniority, thereby losing earlier promotional avenues.

5. The Petitioner had earlier submitted a representation dated 02.01.2019 seeking reservation in promotion, which remained undecided. Subsequently, after issuance of Haryana Government Instructions dated 11.07.2023 providing for retrospective implementation of reservation in promotion from 01.01.1996, the Petitioner again submitted a detailed representation on 13.01.2026. Meanwhile, following dismissal of the LPA, the Respondents issued a show cause notice dated 09.02.2026 and, thereafter,

passed the impugned order dated 11.03.2026, cancelling the Petitioner's notional appointment as Forester and his promotion to Deputy Forest Ranger, and reverting him to the post of Forester w.e.f. 01.08.2017.

6. Aggrieved thereby, and by continued denial of reservation in promotion, the present petition has been instituted.

Contentions

On behalf of petitioner

7. Mr. Abhijeet Singh Rawaley, learned counsel appearing on behalf of the petitioner submits that the denial of reservation in promotion is ex facie illegal, being contrary to the mandate of Section 47 of the Persons with Disabilities Act, 1995 and Section 34 of the Rights of Persons with Disabilities Act, 2016. It is argued that the expression "no promotion shall be denied" has been consistently interpreted to include a positive obligation upon the State to extend reservation in promotional avenues.

8. It is further contended that the issue is no longer res integra in view of authoritative pronouncements of the Supreme Court in ***Rajeev Kumar Gupta v. Union of India (2016) 13 SCC 153***, ***Siddaraju v. State of Karnataka & ors. 2020 3 SCALE 99*** and ***State of Kerala v. Leesamma Joseph (2021) 9 SCC 208***, wherein it has been categorically held that reservation in promotion for PwD is a statutory right and cannot be defeated by absence of rules or executive inertia.

9. Counsel submits that the Petitioner was fully eligible for promotion in 2006, 2011 and 2018 respectively, and had he been considered under the reserved quota, he would have reached higher posts in due course. The

subsequent issuance of Instructions dated 11.07.2023 only operationalizes an already existing statutory right and therefore must be applied retrospectively.

10. It is also argued that the denial of such consideration violates Articles 14, 16 and 21 of the Constitution by perpetuating structural discrimination and stagnation. The reversion order dated 11.03.2026 is further assailed as arbitrary inasmuch as it ignores the Petitioner's superior claim for promotion under the PwD quota, thereby causing irreparable prejudice.

10. Lastly, it is submitted that even assuming non-availability of vacancies, the State is obligated to create supernumerary posts as per its own instructions, and therefore cannot defeat the Petitioner's rightful claim.

On behalf of the respondents:

11. Per contra, learned State counsel submits that the Petitioner has already been considered and promoted as per applicable service rules and seniority, and no vested right to promotion accrues merely on eligibility. It is contended that reservation in promotion requires identification of posts and implementation through rules, which were not in place during the relevant period.

12. It is further argued that the benefit of reservation in promotion has been introduced through subsequent executive instructions, and cannot be applied retrospectively so as to disturb settled seniority positions or reopen past promotions.

11. The State also relies upon the judgment in the LPA to submit that the Petitioner's service position stands crystallized as Forest Guard, and consequential benefits flowing from the earlier erroneous order cannot be

sustained. The impugned order dated 11.03.2026 is thus stated to be a lawful consequence of judicial finality.

13. It is additionally contended that granting retrospective promotions would have cascading administrative consequences and affect third-party rights, and therefore the relief sought is not tenable in exercise of writ jurisdiction.

14. Heard.

Analysis

15. Having heard the contentions raised by the counsel for both parties and perused the material placed on record, this court is of the opinion that the present matter warrants legal scrutiny.

16. This court is of the considered view that the present lis cannot be confined to a narrow inquiry into service entitlements. It raises a deeper question as to whether a statutory promise made to persons with disabilities has been meaningfully translated into administrative action, or whether it has remained, for decades, an unfulfilled assurance. The answer to this question must be located not merely in service rules, but in the constitutional conscience that animates disability jurisprudence in India.

17. A bare perusal of the Disability Certificate dated 02.05.2018 (**Annexure P-6**) issued to the Petitioner reveals that he is suffering from 40% disability of haemophilia. That Section 2(zc) read with Entry 4 of Schedule to the 2016 Act provides that “*haemophilia*” to be a Blood Disorder meaning to be “*an inheritable disease, usually affecting only male but transmitted by women to their male children, characterised by loss or impairment of the normal clotting ability of blood so that a minor would may result in fatal*”

bleeding” as a “specified disability”, and Section 2 (r) provides that any person suffering from not less than forty percent of a “*specified disability*” to be a “*person with benchmark disability*”.

18. The evolution of disability rights in India marks a decisive shift from a paternalistic framework to one rooted in enforceable entitlements. The enactment of the *Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995* was a legislative acknowledgment that equality, in its truest sense, demands affirmative action. This principle was deepened by the *Rights of Persons with Disabilities Act, 2016*, which aligns domestic law with global human rights standards and foregrounds dignity, autonomy, and substantive equality.

19. The constitutional foundation of this framework lies in Articles 14 and 16. Equality under the Constitution is no longer confined to formal parity but has a substantive in character. The State is not merely restrained from discrimination as it is obligated to dismantle structural barriers. In “***Ravinder Kumar Dhariwal v. Union of India 2022 (1) SCT 254***” the Supreme Court underscored that reasonable accommodation is intrinsic to substantive equality, and that disability must be understood not as an individual deficit but as a consequence of societal design, it was observed that,

“28. Article 14 of the Indian Constitution states that "the State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India". The right to equality under the Indian Constitution has two facets - formal equality and substantive equality. While formal equality means that every person, irrespective of their attributes must be treated equally and must not be discriminated against; substantive equality is aimed at producing equality of outcomes through different modes of affirmative action. The principle of reasonable accommodation is one of the means for achieving substantive equality, pursuant to

which disabled individuals must be reasonably accommodated based on their individual capacities. Disability, as a social construct, precedes the medical condition of an individual. The sense of disability is introduced because of the absence of access to facilities.”

20. In **Rajeev Kumar Gupta & Ors v. Union of India & Ors., (supra)**, it was held by the Supreme Court that reservation under the 1995 Act applies to recruitment through all manners, whether direct recruitment or promotion:

“9. The respondents argued:

91. That the mandate of Section 33 of the 1995 Act applies only when the identified posts are sought to be filled up by direct recruitment. Impugned memorandum-II only contains a policy decision of the Government of India by which reservation is granted to Group C and Group D posts even when they are sought to be filled up by the mode of promotion. Since the policy decision restricted the reservation in promotion to identified Group C and Group D posts, the petitioners have no right to demand reservation in promotion to identified Group A and Group B posts.

9.2 The respondents further argued that Indra Sawhney case clearly ruled that reservations be confined to recruitment at the initial level of recruitment into Government service and not at the stage of promotions. Providing for reservation in higher level posts is constitutionally impermissible. The respondents, therefore, argued that in light of the law laid down in Indra Sawhney, it is constitutionally impermissible that petitioners to be given three per cent reservation in promotions for identified Group A and Group B posts.

10. Whether any post under the State is to be reserved for being filled up exclusively by some persons belonging to any "constitutionally deserving" class of persons or otherwise is a matter of policy choice of the State. Such a policy is either laid down by a statute or executive orders. Various factors are to be taken into consideration for framing any policy such as the nature of responsibilities which a particular post carries, the number of posts available in that class and the representation already existing in that class of posts for persons of the class to which reservation is sought to be provided and myriad other things.

11. But such factors ought to be germane to purposes sought to be achieved by the policy apart from being relevant in the context of the scheme of Articles 14 and 16 of the Constitution. The same principles of

law apply even to the question, as to the mode of filling up of any post or class of posts.

12. The policy of the State w.r.t. the issue on hand is regulated by the 1995 Act. It authorises (under Section 32) the appropriate Government to identify the posts suitable to be filled up by PWD. The Government of India has exercised the power and identified the posts vide the NOTIFICATION. The NOTIFICATION includes some of the posts in Group A and Group B.

*13. For some of these IDENTIFIED POSTS in Group A and Group B, the mode of recruitment is only through promotions. The purpose underlying the statutory exercise of identification under Section 32 of the 1995 Act would be negated if reservation is denied to those IDENTIFIED POSTS by stipulating that either all or some of such posts are to be filled up only through the mode of promotion. It is demonstrated before us that PWD as a class are disentitled to some of the IDENTIFIED POSTS in Groups A and Group B because of the impugned memoranda and the relevant regulations, under which the only mode of appointment to those IDENTIFIED POSTS is through promotion. **Once posts are identified under Section 32, the purpose behind such identification cannot be frustrated by prescribing a mode of recruitment which results in denial of statutory reservation. It would be a device to defraud PWD of the statutory benefit under Section 33 of the 1995 Act.***

It was further held that:

“22. The 1995 Act was enacted to fulfill India's obligations under the 'Proclamation on the Full Participation and Equality of the People with Disabilities in the Asia and Pacific Region'. The objective behind the 1995 Act is to integrate PWD into the society and to ensure their economic progress. The intent is to turn PWD into 'agents of their own destiny. PWD are not and cannot be equated with backward classes contemplated under Article 16(4). May be, certain factors are common to both backward classes and PWD such as social attitudes and historical neglect etc.

23. It is disheartening to note that (admittedly) low numbers of PWD (much below three per cent) are in Government employment long years after the 1995 Act. Barriers to their entry must, therefore, be scrutinised by rigorous standards within the legal framework of the 1995 Act.

24. A combined reading of Sections 32 and 33 of the 1995 Act explicates a fine and designed balance between requirements of administration and the imperative to provide greater opportunities to

*PWD. Therefore, as detailed in the first part of our analysis, the identification exercise under Section 32 is crucial. Once a post is identified, it means that a PWD is fully capable of discharging the functions associated with the identified post. Once found to be so capable, reservation under Section 33 to an extent of not less than three per cent must follow. Once the post is identified, it must be reserved for PWD **irrespective** of the mode of recruitment adopted by the State for filling up of the said post.”*

21. Moreover, in ***Siddaraju v. State of Karnataka & Ors., 2020 3 SCALE 99***, the aforesaid judgment in *Rajeev Kumar Gupta (supra)* was affirmed by a Three-Judges’ Bench of the Supreme Court.

*“11. We may also note that review petitions were filed and have since been dismissed against both the 2013 and 2016 judgments. Consequently, the reference stands answered by stating that the 2013 judgment as clarified in *National Federation of the Blind v. Sanjay Kothari, Secy. Deptt. of Personnel and Training, 2015 (9) Scale 611* and the judgment in *Rajeev Kumar Gupta & Others v. Union of India & Others - (2016) 13 SCC 153* case will bind the Union and the State Governments and must be strictly followed notwithstanding the Office Memorandum dated 29.12.2005, in particular. Since the reference has been disposed of by us today, contempt petitions be listed for hearing.”*

22. It also worth noticing that Section 47 of the aforesaid 1995 Act provides for non-discrimination in employment, a positive facet of which (when read with Article 14 of the Constitution) mandates grant of reservation in promotion. Section 47 reads as follows:

"47. Non-discrimination in Government employment. -

(1) No establishment shall dispense with, or reduce in rank, an employee who acquires a disability during his service:

Provided that, if an employee, after acquiring disability is not suitable for the post he was holding, could be shifted to some other post with the same pay scale and service benefits:

Provided further that if it is not possible to adjust the employee against any post, he may be kept on a supernumerary post until a suitable post is available or he attains the age of superannuation, whichever is earlier.

(2) No promotion shall be denied to a person merely on the ground of his disability:

Provided that the appropriate Government may, having regard to the type of work carried on in any establishment, by notification and subject to such conditions, if any, as may be specified in such notification, exempt any establishment from the provisions of this section."

This provision came up for judicial consideration before this Court in the case of ***Viklang Sang Haryana v. State of Haryana, 2010 SCC Online P&H 5165***, wherein, on 27.05.2010 it was held as follows:

"5. The respondent State of Haryana has adopted a stand is that there are provisions in the Act for reservation of posts for the initial recruitment of disabled persons as is evident from Sections 32 and 33 of the Act but there is no provision in the Act for reservation for the disabled in promotions. It is also submitted that since the State Government has already made a provision for reservation at 3% at the time of appointment for disabled persons, such a reservation cannot be given in promotion.

...

8. Section 47 (2) cannot be construed so as to grant employment to disabled persons merely at the initial stage of induction in service. The intention of the Act is clear and equal opportunity for career progression including promotion is clearly the legislative mandate. Giving any other meaning of the said provision will defeat the object of the Statute. The relevant portion of the objects and reasons of the Act are reproduced as under :-

- (i) to spell out the responsibility of the State towards the prevention of disabilities, protection of rights, provision of medical care, education, training, employment and rehabilitation of persons with disabilities;*
- (ii) to create barrier free environment for persons with disabilities;*
- (iii) to remove any discrimination against persons with disabilities in the sharing of development benefits, vis-a-vis non disabled persons;*
- (iv) to counteract any situation of the abuse and the exploitation of persons with disabilities;*
- (v) to lay down a strategy for comprehensive development of programmes and services and equalization of opportunities for persons with disabilities; and*
- (vi) to make special provision of the integration of persons with disabilities into the social mainstream."*

9. Sub-clause (i) and (v) of the said objects and reasons are more

*significant because it require the State to provide for employment to disabled persons. It also stresses on equalization of opportunities which cannot be achieved only at the initial stage of recruitment. **If the plea of the State is to be accepted and the benevolent legislation is given a restricted meaning it could lead to stagnation of the disabled at the initial recruitment level and would eventually lead to uncalled for frustration.** We thus respectfully agree with and reiterate the view taken by the Delhi High Court in the above quoted judgment in Union of India through G.M. Northern Railway v. S. Jagmohan Singh in WP No. 11818 of 2004 dated 7th December, 2005.*

10. The Parliament did not by this Legislation intend to give a token initial representation to the disabled but intended to provide employment with full avenues for career progression by way of promotion. ”

23. Thus, this court is of the opinion that between 01.01.1996 and 18.04.2017, while the 1995 Act remained in force, the petitioner was entitled to reservation in promotions, specifically to the post of Forester w.e.f. 08.03.2006 and Deputy Ranger w.e.f. 09.03.2011. Consequently, under the 2016 Act, the Petitioner would have been eligible for further promotion to Forest Ranger w.e.f. 10.03.2018. The respondents' failure to consider the petitioner for these promotional avenues constitutes a clear violation of the statutory mandates under the respective Acts and infringes upon his fundamental rights guaranteed under Articles 14, 15, and 16 of the Constitution of India.

24. The legislative mandate has to be understood in the aforesaid context as it provides for equal opportunity for career progression, including promotion. It would be negation of the legislative mandate if promotion is denied to PwD and such reservation is confined to the initial stage of induction in service. This would in fact result in stagnation of the disabled in a consequential frustration.

25. On 19.04.2017, upon coming of the *Rights of Persons with Disabilities Act, 2016* came into force. Section 34 of the said Act provides for reservation to the extent of four (4) percent. The proviso thereto clarified that:

“Provided that the reservation in promotion shall be in accordance with such instructions as are issued by the appropriate Government from time to time”

The Schedule appended to the said Act refers to the disability of the Petitioner, i.e. haemophilia in the following terms:

“(b) Blood disorder— (i) “haemophilia” means an inheritable disease, usually affecting only male but transmitted by women to their male children, characterised by loss or impairment of the normal clotting ability of blood so that a minor would may result in fatal bleeding;

26. In furtherance thereof, Clause F of the State of Haryana’s Instructions dated 25.04.2018 (**Annexure P-5**) relating to grant of reservation for persons with Benchmark Disabilities regarding 4 per cent reservation provides that *“Definitions of categories of benchmark disabilities for the purpose of this Office Memorandum are as per Annexure-A, appended to this O.M.”*, and Annexure-A thereto also lists *“haemophilia”*.

27. Moreover, State of Haryana’s subsequent Instructions dated 01.07.2022 (**Annexure P-8**) which squarely cover the present case provide for reservation in promotion, as has been claimed in the present case. Under the same, the Petitioner was entitled to be considered for promotion under the 3% reservation (from 01.01.1996 to upto 18.04.2017) under the 1996 Act, and 4% reservation (with effect from 19.04.2017 to present) under the 2016 Act. These instructions lay down a complete code for the grant of reservation. However, the Petitioner has not been considered for promotion under the

reserved quota.

28. In the recent judgment of this Court in “**Vikash Kumar v. Union Public Service Commission 2021 (2) SCALE 468**” while dealing with the latter 2016 Act, an expansive interpretation has been given to Section 20 read with Section 2(y). The said provisions read as under:

"20. Non-discrimination in employment.-

(1) No Government establishment shall discriminate against any person with disability in any matter relating to employment:

Provided that the appropriate Government may, having regard to the type of work carried on in any establishment, by notification and subject to such conditions, if any, exempt any establishment from the provisions of this section.

(2) Every Government establishment shall provide reasonable accommodation and appropriate barrier free and conducive environment to employees with disability.

(3) No promotion shall be denied to a person merely on the ground of disability.

(4) No Government establishment shall dispense with or reduce in rank, an employee who acquires a disability during his or her service:

Provided that, if an employee after acquiring disability is not suitable for the post he was holding, shall be shifted to some other post with the same pay scale and service benefits:

Provided further that if it is not possible to adjust the employee against any post, he may be kept on a supernumerary post until a suitable post is available or he attains the age of superannuation, whichever is earlier.

(5) The appropriate Government may frame policies for posting and transfer of employees with disabilities."

"2. Definitions-

(y) "reasonable accommodation" means necessary and appropriate modification and adjustments, without imposing a disproportionate or undue burden in a particular case, to ensure to persons with disabilities the enjoyment or exercise of rights equally with others;"

29. A reading of the aforesaid provisions shows that non-discrimination in employment is a mandate of the legislature. In the context of sub-section (2) of Section 20, where the expression used is "reasonable accommodation" as an

aspect to be provided by the Government establishments, this expression has been defined in Section 2(y) to mandate necessary and appropriate modifications and adjustments to ensure that the PwD enjoy or exercise their rights equally with others.

30. This court finds no reason why a clue cannot be taken from such a line of interpretation and reasoning to carry out the intent of the Legislation. Applying the above principles to the present case, the following aspects assume significance:

1. That the Petitioner was, at all relevant times, a person with benchmark disability within the meaning of the statute. His condition of haemophilia is specifically recognised as a “specified disability” under the 2016 Act, and there is no dispute on this aspect.
2. That the Petitioner fulfilled all eligibility conditions for promotion at each stage. There is no allegation of lack of qualification, adverse service record, or ineligibility.
3. The respondent-State has not placed on record any notification exempting the posts in question from the operation of Section 47 of the 1995 Act. In the absence of such exemption, the statutory mandate operates with full force.
4. The denial of consideration under the PwD quota is not a one-time omission. It is a continuing failure spanning from 2006 onwards. Each missed promotional opportunity has had a cascading effect, pushing the Petitioner further down the service hierarchy.
5. The State itself, by issuing Instructions dated 11.07.2023, has recognised that reservation in promotion under the 1995 Act is to be

given effect from 01.01.1996. These instructions do not create a right; they acknowledge one. Therefore, the Petitioner's claim cannot be rejected on the ground that the instructions are prospective.

31. This court is of the opinion that the impugned order dated 11.03.2026 must now be examined in this context. It is evident that the Respondents have proceeded to withdraw the Petitioner's notional appointment as Forester granted vide order dated 08.01.2021 and the consequential promotion to the post of Deputy Forest Ranger, and have reverted him to the post of Forester with effect from 01.08.2017. The said order has been passed purportedly in compliance with the judgment rendered in LPA No. 1675 of 2024.

32. However, a perusal thereof reveals that while effect has been given to the outcome of the said proceedings, the Respondents have failed to consider the Petitioner's independent statutory claim for reservation in promotion under the PwD quota despite the same having been specifically raised by way of representation. The impugned order, thus, proceeds on a limited premise and does not address the Petitioner's entitlement under the applicable statutory framework.

33. Such non-consideration of relevant factors renders the decision legally unsustainable. An administrative order which ignores a binding statutory right cannot be upheld merely because it is otherwise traceable to a prior judgment on a different issue. The denial, therefore, is not only contrary to statute but also arbitrary and violative of Articles 14 and 16 of the Constitution.

34. The contention of the State that reservation could not be granted due to absence of rules cannot be accepted. The law, as declared in ***State of Kerala v. Leesamma Joseph 2021 (3) SCT 189***, is categorical that absence of rules does not defeat statutory rights. To hold otherwise would permit the State to benefit from its own inaction. The relevant is as under:

20. The aforesaid issue was raised by learned Amicus Curiae in the context of the plea of the appellant State that the State does not provide for any reservation in promotion for PwD. Thus, a person with disability would be considered for promotion along with other persons working in the feeder cadre. We have no doubt that the mandate of Section 32 of the 1995 Act enjoins the government to identify posts that can be filled up with persons with disability. Thus, even posts in promotional cadre have to be identified for PwD and such posts have to be reserved for PwD. The identification of such posts is no doubt a prerequisite for reservation in promotion for PwD. There cannot be methodology used to defeat the reservation in promotion. Once that post is identified, the logical conclusion would be that it would be reserved for PwD who have been promoted. The absence of rules to provide for reservation in promotion would not defeat the rights of PwD to a reservation in promotion as it flows from the legislation and in our view, this is the basis of the mandate of this Court in Rajeev Kumar Gupta's and Siddaraju's cases (supra).

35. Similarly, the plea of administrative inconvenience or disturbance of seniority cannot override a statutory entitlement. The legal system has consistently recognised the device of notional promotion to balance equities. Moreover, the State's own policy contemplates creation of supernumerary posts where necessary. The apprehension of disruption, therefore, is not a legally sustainable ground for denial.

36. It is noted that the subject matter of the current petition is squarely covered by the precedent established in *Bhim Singh vs. State of Haryana & Ors in CWP-15259-2024*. Upon inquiry, learned State counsel concedes this factual position, though he submits that the State is contemplating an appeal against said judgment. However, as no appeal has been preferred to date, nor has any stay been granted, this Court finds no grounds to depart from the settled view.

37. It is a somber observation that despite the shield of beneficent legislation forged to safeguard the dignity and promise of persons with disabilities the journey to justice remains an arduous pilgrimage. A statute born of compassion should be a sanctuary, not a promise perpetually deferred.

38. When the State, which is supposed to act as a parent to it's employee becomes a reluctant roadblock instead, it places an unfair burden on the individual. No one should have to beg a court to enforce a right that the law has already clearly granted them. This kind of delay isn't just a bureaucratic issue but it goes against the very spirit of fairness and equality that our legal system is supposed to stand for.

Conclusion

39. This Court is thus left with no doubt that the petitioner's right to be considered for promotion under the PwD quota has been unlawfully denied, and that such denial has materially prejudiced his entire service progression. The law does not countenance such a result.

40. Accordingly, the writ petition is allowed. The impugned order dated 11.03.2026 is set aside to the extent it fails to consider the Petitioner's

statutory entitlement to reservation in promotion. The respondents are directed to reconsider the case of the petitioner for promotion under the PwD quota from the dates of his eligibility and, if found entitled, to grant him notional promotions with all consequential benefits. Arrears shall be released with interest @ 6% per annum from the date due till payment. The needful be done within a period of four months.

- 41. Consequently, the writ petition is allowed.
- 42. Pending applications, if any, stand disposed of.

(SANDEEP MOUDGIL)
JUDGE

25.03.2026

Meenu

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