



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

CWP-17774-2026

Date of decision : 29.05.2026

Chandigarh Administration and others

...Petitioners

Vs.

**The Central Administrative Tribunal
and another**

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Avinit Avasthi, Addl. Standing counsel with
Mr. Sarthak Gupta, Junior Panel Counsel,
for the petitioner.

Mr. Rohit Seth, Advocate for Caveator/respondent No.2.

HARSIMRAN SINGH SETHI, J.(Oral)

1. The present petition has been filed challenging the order dated 15.01.2026 (Annexure P-1) passed by the Tribunal, wherein the direction has been given to the petitioner to appoint respondent on the post of Clerk as advertised on 29.09.2019.

2. Certain facts needs to be mentioned for the correct appreciation of the issue in hand.

3. The petitioner issued an advertisement for appointment to the post of Clerk and Steno Typist (English) on 29.09.2019. Out of the total 356 posts advertised, 14 were to be filled from the category of the persons having physical disability. The criteria for selection to said posts was that the candidate was required to clear a written test consisting of objective question

and then, a typing test on the computer with the speed of 35 words per minute, which typing test was to be conducted for a duration of ten minutes.

4. The respondent applied against 14 posts reserved for the physically handicap as she was suffering from low vision, which disability falls in the category envisaged to be eligible to compete for the 14 posts reserved for physically handicapped candidates. The respondent cleared the written examination and she was called for the type test. Before appearing for the type test, the respondent through her father gave a representation that she should be given a scribe so that the content needed to be typed, could be dictated to her so that she be able to understand what content is needed to be typed so as to qualify the said typing test.

5. The benefit sought of allotting scribe to respondent was declined on the ground that the said request is to be made at the initial stage and not immediately before the date when the typing test is to be conducted. Though, the respondent was given time as applicable to the other, who were competing in the category of physically handicap to undergo the typing test, but as per the petitioner, she failed to clear the type test due to which, her candidature for appointment to the post of Clerk against one of the 14 vacancies advertised for physically handicapped persons came to an end.

6. It may be noticed that even as of now, all of such 14 posts advertised to be filled in the reserved category of physically handicap could not be filled up as two posts in the said category are still lying vacant after considering the claim of all eligibles.

7. The respondent approached the Central Administrative Tribunal with the grievance that she has not been given proper opportunity to compete

against one of the 14 post reserved for physical handicap category as, she was not provided with a scribe so as to assist her by dictating the content to be typed to her which led to non-passing of the type test, whereas, benefit of exemption to not appear in typing test has been given to large number of candidates in the said category itself, hence, such benefit of exemption should have been granted to the respondent as well so as to treat her having qualified for the post.

8. The petitioner appeared before the Tribunal and conceded the fact which has been mentioned hereinbefore to the extent that the respondent was allowed to appear in the type test, but she failed to pass the same and also that large number of candidates in the category of physically handicap were given exemption from appearing in the type test, who were orthopedically disabled to appear in the type test.

9. The plea taken before the Tribunal by the petitioner was that as per the instructions issued by the competent authority dated 22.04.2015, which deals with the grant of exemption to certain category of candidates of physically handicap from passing of the type test on computer, the term physically handicapped person does not include visually handicapped candidates or those who are having hearing disability, rather the said term only covers the physical disability which precludes a candidate from appearing in typing test. The Clause (2) (3) (i) (d) of the said instructions was brought in operation to contend that the exemption from appearing in the type test could not have been given to the respondent as she was only suffering from low vision, which has not been considered a disability for the purpose of grant of exemption in the type test. Therefore, the grant of benefit of exemption from

appearing in the type test sought was rightly declined.

10. The tribunal after considering all the facts, held that once the disability of low vision or hearing impairment has been considered physical disability and have been granted reservation in the seats for appointment on the post in question, no distinction can be made with regard to a particular disability to grant the benefit of exemption or to deny the same and therefore, the exemption from the type test which was prayed for by the respondent was wrongly denied to her, though, some other physically handicapped candidates were allowed the benefit of exemption from appearing in the type test. The Tribunal went ahead with the view that had all the advertised posts been filled up which were reserved in the physically handicap category, the matter would have been different, but as two posts out of the 14 advertised, to be filled up from the category of the physically handicap are still lying vacant, the case of the respondent be considered for appointment by granting her exemption from type test. The said order passed by the Tribunal dated 15.01.2026, is under challenge in the present petition.

11. Learned counsel appearing on behalf of the petitioners argues that once instructions dated 29.08.2018 are well in existence, which defines category of physically handicapped to be considered for the grant of exemption from appearing in the type test, the Tribunal could not have substituted the same with every category of physically handicapped candidate so as to allow the claim of the respondent as the same was beyond the jurisdiction. Learned counsel for the petitioner further submits that once the instructions dated 29.08.2018 were not under challenge, the claim of the respondent could have only been considered under the instructions dated 29.08.2018, which

concededly was not covered, and therefore, direction given by the Tribunal to grant exemption to the respondent from passing the type test is contrary to the office memorandum dated 29.08.2018 and therefore, the same may kindly be set aside.

12. Learned counsel for the petitioner further submits that the medical certificate pertaining to the respondent showing the disability suffering by her being more than 40%, which would have otherwise entitled her for the grant of exemption was only received after the conclusion of type test and therefore, such medical certificate though entitles her the benefit of exemption from passing of the type test, but such certificate given to the respondent after the type test is meaningless, which fact has been ignored by the Tribunal while granting the relief.

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

14. It may be noticed that in order to type, reading of said document is necessary. Hence, while performing the duty of typing, there has to be an eye and hand coordination which works harmoniously to achieve the purpose. It cannot be said that a person, who can read properly, but has difficulty to type is the only category to be treated as a physically handicapped. Hence, it is a possibility that there is a situation where a person cannot read properly, but can type properly as well as where a person, who can read properly, but can't type properly. Such second category of physically handicap candidates has been made eligible for the grant of exemption from type test whereas, the first category is being declared as not eligible for the grant of exemption from appearing in the type test. No valid reason has come forward as to why, a

candidate having the low vision and has difficulty in reading the document though, is able to type, cannot be granted exemption from passing the type test. Once, a disability exists, which pertains to typing, i.e. reading the document properly, which a precursor in order to type, the said disability has to be appreciated under manner required. Disability to read in order to type is to be treated at par with the disability to type, hence, once a disabled candidate who has a difficulty in typing has been granted the benefit of exemption from appearing in typing test, any disabled candidate, who has difficulty in reading thus to type, should also be put in the same category qua the consideration of exemption.

15. Further, it may be noticed that all the 14 posts reserved for disabled persons have not been filled up. Hence, interpreting the instructions dated 29.08.2018 with a conservative view cannot be accepted. Further, the instructions have been made so as to grant benefit to physically disabled candidates. Hence, the disability has to be appreciated firstly qua the aspect that whether, such candidate will be able to do a particular job in a manner required like a normal person, once a person who is having low vision and has a difficulty in reading the document supposed to be typed, has to be treated as physically handicap for all intent and purposes including consideration for exemption from the type test, therefore, the view taken by the Tribunal in the facts and circumstances of the present case cannot be treated as perverse to the ultimate purpose to be achieved for which is grant of a benefit to a physically disabled by recognizing the difficulty being faced by such candidate.

16. Further, once the document i.e. the memorandum has been read by the Tribunal in a particular manner and such reading by the Tribunal achieve

the purpose for which the same has been framed, the view taken by the Tribunal need no interference at the hands of this Court.

17. Further, it would have been a different scenario if all the 14 posts so declared reserved for disabled persons would have been filled up and the benefit was given to the respondent at the cost of another candidate, who has already cleared the type test. In the present case, out of the 14 posts, 2 posts are still lying vacant and have not been filled as no candidate has been found eligible against the same. The respondent in case is granted appointment to the post in question is not going to disturb any selected candidate but rather same will only mean her achieving appointment. Hence, keeping in view the totality of the circumstances, the benefit of exemption from the type test, in the facts and circumstances of the present case granted by the Tribunal, needs no interference. It may be noted that the impugned order passed by the Tribunal was in the peculiar facts and circumstances of the present case, which need to be appreciated.

18. No ground is made out for any interference.

19. The petition stands dismissed.

20. Pending civil miscellaneous application, if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

29.05.2026

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Whether speaking/reasoned :	Yes
Whether Reportable :	No