



2026:DHC:2646



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 3270/2026**

Date of Decision: **25.03.2026**

IN THE MATTER OF:

KORE NIHAL PRAMOD

.....Petitioner

Through: Mr. Raja Choudhary, Mr. Dhruv
Tiwari, Ms. Anushika Mishra,
Advocate.

versus

**UNION OF INDIA THROUGH THE
SECRETARY & ORS.**

.....Respondents

Through: Ms. Shakun Sudha Shukla (SPC)
along with Ms.Aashna Mehra,
Advocates for R-1 and 2.
Mr Ravinder Agarwal, Manish Kumar
Singh, Vasu Agarwal, Advocates for
R-3.UPSC.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

J U D G E M E N T

PURUSHAINDRA KUMAR KAURAV, J. (ORAL)

1. The petition seeks for direction to respondent no. 1 - the Ministry of Social Justice & Empowerment (MoSJE) and respondent no. 2 - the Department of Personnel and Training (DoPT) to recognize the petitioner's legal status as a person with benchmark disability based on certification and authoritative medical assessment.

2. It appears that the petitioner had a disability certificate dated

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21.01.2018 from the competent Medical Board of the Government of Maharashtra certifying the 60% permanent hearing impairment. The petitioner also had Unique Disability Identification Number which stated that the petitioner has a benchmark disability of 60%. The petitioner participated in the examination conducted by Union Public Service Commission and obtained an All India Rank (AIR) 922.

3. On medical examination by Disability Expert Panel (DEP) at All India Institute of Medical Science (AIIMS), it was declared that the petitioner had merely 9.66% hearing impairment in one Ear. This finding was challenged before this Court by filing a writ petition bearing W. P. (C) 15755/2023 and *vide* Order dated 29.07.2024, the petition was transferred to Central Administrative Tribunal ('CAT').

4. The CAT in its order dated 23.08.2024 noted the submission on behalf of the respondents that there are two reports one from AIIMS and the other from Research and Referral Hospital and both are in complete variance. The AIIMS had determined the disability of the petitioner as 9.66%, on the other hand the Research and Referral Hospital has determined the same as 84.2%. The CAT accepted the report of the Research and Referral Hospital determining the disability of the petitioner to the extent of 84.2%.

5. The aforesaid order came to be challenged by the respondents in writ petition bearing W. P. (C) 1893/2025. The order passed by the CAT was affirmed by this Court *vide* Order dated 14.02.2025. This order dated 14.02.2025 came to be challenged by the respondent- DoPT in SLP 17995/2025.

6. The Supreme Court *vide* Order dated 24.11.2025 disposed of the



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aforesaid SLP. On the Medical Board being constituted by the direction of the Supreme Court, the petitioner was again examined by the Super Special Medical Board and the report was submitted in a sealed cover before the Supreme Court on 21.08.2025. The said Super Specialist Medical Board found that the disability of the petitioner is 69.64%. The Supreme Court in terms of the paragraph nos. 8 to 12 in its order dated 24.11.2025 has held as under:

“8. Pursuant thereto, the Super-Specialist Medical Board submitted its report dated 21.08.2025 in a sealed cover. The opinion of the Board is as follows: -

“Considering Air Conduction (AC) Threshold for both ears, disability as per calculation is 69.64% and candidate has substantial conductive hearing loss. However, since candidate falls in congenital malformation category with clause IIIA 20.1.2(b and c), Government of India Gazette Notification dated 14th March, 2024. The Conductive loss if potentially treatable by assistive devices & by surgery. Candidate is suggested to seek the opinion of ENT & Plastic Surgeon for same. The potential for effective treatment/ rehabilitation hence should not place the candidate in permanent disability category. The Board is of the opinion that the candidate cannot be considered for permanent disabled category at present”.

9. Having regard to the aforesaid, we are not persuaded to go into any other aspect, as the only point before us for consideration was whether the respondent could be considered under the permanent disability category. The expert report categorically goes against him.

10. Accordingly, the appeal stands allowed. The impugned judgment dated 14.02.2025 passed by the Division Bench of the High Court in W.P.(C)No.1893 of 2025 is set aside, and the order dated 23.08.2024 passed by the Central Administrative Tribunal (CAT) in O.A.No.3157 of 2024 is also set aside.

11. The matter stands closed, holding the respondent ineligible for being considered under the permanent disability category for appointment to any post pursuant to the examination in question.

12. However, before parting, we make it clear that since the disability suffered by the respondent is variable, for any future consideration, the permanent disability as it exists on the relevant date shall be taken into account, and this order shall not come in the way of such assessment.”

7. It is manifest that the Supreme Court, vide order dated 24.11.2025,

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has adjudicated the petitioner's eligibility for appointment pursuant to the examination in question and has closed the *lis* in that regard. Notwithstanding the above, the Supreme Court has expressly observed that the petitioner's disability is of a variable nature and, for any future consideration, the extent of permanent disability existing on the relevant date shall be taken into account. The observations of the Supreme Court operate without prejudice to the petitioner's entitlement to any subsequent reassessment or re-evaluation of the disability by the competent authority, as may be warranted in accordance with law.

8. It is, thus, seen that there has been three assessment of the petitioner from time to time. One by the AIIMS, the second by the Medical Board constituted by this Court and the last assessment was done pursuant to the Medical Board constituted by the Supreme Court.

9. As of now, the disability assessment as has been approved by the Supreme Court will have to be treated the final disability i.e. 69.64% unless the same is further reassessed depending upon the further health condition of the petitioner. As and when the petitioner participates in any of the examination or for seeking any further benefit, the concerned Employer shall be guided by the observations of the Supreme Court and shall be at liberty to re-examine the petitioner, if necessity so arises. Unless the disability as found existing by the Supreme Court is varied by any subsequent assessment, the same shall be treated to be final.

10. With the aforesaid observations, the petition stands disposed of.

(PURUSHAINDRA KUMAR KAURAV)
JUDGE

MARCH 25, 2026/aks/ss

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