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

Date of decision: 28th April, 2026.

+ W.P.(C) 2577/2021 & CM APPL.7625/2021

SHIKHA KHUSHWAHAPetitioner
Through: Mr. Rizwan & Ms. Sachi Chopra,
Adv.
versus
UNION OF INDIA AND ORSRespondents
Through: Mr. Ajit Kumar Pathak, SPC with Ms.
Akriti Pathak, Adv.

71

+ W.P.(C) 2581/2021 & CM APPL. 7630/2021

MANDAL BAPIPetitioner
Through: Mr. Rizwan & Ms. Sachi Chopra,
Adv.
versus
UNION OF INDIA AND ORSRespondents
Through: Mr. Ajit Kumar Pathak, SPC with Ms.
Akriti Pathak, Adv.

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+ W.P.(C) 2583/2021 & CM APPLs.7632/2021 & 42169/2024

HARINDER SINGHPetitioner
Through: Mr. Rizwan & Ms. Sachi Chopra,
Adv.
versus
UNION OF INDIA AND ORSRespondents
Through: Mr. Ajit Kumar Pathak, SPC with Ms.
Akriti Pathak, Adv.

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+ W.P.(C) 2585/2021 & CM APPL.7635/2021

AKHILESH KUMAR SINGHPetitioner
Through: Mr. Rizwan & Ms. Sachi Chopra,
Adv.
versus



UNION OF INDIA AND ORS

.....Respondents

Through: Mr. Ajit Kumar Pathak, SPC with Ms.
Akriti Pathak, Adv.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

JUDGMENT

SANJEEV NARULA, J. (Oral):

1. These four petitions raise the same question and are, therefore, decided by this common judgment. The Petitioners are persons with benchmark disabilities. They were selected by the State Bank of India as Probationary Officers in the 2018 batch against vacancies reserved for persons with disabilities. After completing two years of probation and continuous assessment, they were confirmed in Junior Management Grade Scale-I. Their grievance is not about entry into service. Nor, properly understood, is it a claim for reservation in promotion. The grievance is narrower, but of real constitutional significance.

The Controversy

2. SBI framed a policy for training, confirmation and placement of Probationary Officers and Trainee Officers by Circular No. CDO/STU-TRAINING/3/2019-20 dated 23rd April, 2019. Under the circular, the same continuous assessment of 1000 marks governed two consequences. First, confirmation in JMGS-I. Second, direct placement or fitment in Middle Management Grade Scale-II upon confirmation, for officers who achieved the prescribed higher benchmark. For confirmation, SBI prescribed 50% marks, relaxed to 45% for SC/ST and PwD candidates alike. For direct placement in MMGS-II, SBI prescribed 75% marks, relaxed to 70% for



SC/ST candidates alone. PwD candidates were not extended the corresponding relaxation.

3. All four Petitioners scored more than 700 marks out of 1000, but less than 750. Had the 70% benchmark applicable to SC/ST candidates been applied to PwD candidates as well, each Petitioner would have crossed the eligibility threshold for consideration for placement in MMGS-II. The dispute, therefore, lies in a narrow compass: whether SBI could, consistently with Article 14 of the Constitution and the statutory protection accorded to persons with disabilities, grant a 5% relaxation to PwD candidates at the stage of confirmation, and yet deny them a corresponding relaxation for direct placement in MMGS-II under the very same assessment policy, while extending such relaxation to SC/ST candidates.

Factual background

4. The advertisement issued by SBI in April, 2018 invited applications for recruitment of Probationary Officers. Clause 7, under the heading “Joining, Training & Career Path”, stated that selected candidates would be on probation for two years and would be subject to continuous assessment during probation. Candidates qualifying the assessment as per standards determined by SBI would be confirmed in JMGS-I. It further stated that officers achieving higher standards or scores stipulated by the Bank may be considered for direct placement in the next higher grade, namely MMGS-II, immediately after confirmation. The said clause reads as follows:

7. “JOINING, TRAINING & CAREER PATH:

The selected candidates will be exposed to basic banking knowledge, before joining, through an online course and will have to mandatorily complete this course before joining. The selected candidates, at the time of joining, will have to execute a Bond for a value of Rs 2.00 lac (Rs Two lac only) to serve the Bank for a minimum period of three years. The



Bond will be invoked by the Bank if the candidate resigns from the service of the Bank before expiry of three years from the date of joining. On joining, the selected candidates will be designated as “Probationary Officers” and will be on probation for two years. They will be subjected to continuous assessment during the probation period. Those candidates who qualify in the assessment as per standards determined by the Bank from time to time, will be confirmed in the Service of the Bank in Junior Management Grade Scale-I (JMGS-I). Further, those officers who achieve higher standards/ scores stipulated by the Bank, may be considered for direct placement in the next higher grade, Middle Management Grade Scale-II (MMGS-II) immediately after confirmation. If any candidate fails to achieve minimum standards stipulated, his/ her services may be terminated as per policy of the Bank in force at the material time.

Bank provides immense opportunities for growth in career, including opportunities for posting abroad. The attractive promotion policy of the Bank provides an opportunity to the meritorious and exceptionally brilliant officers to reach the Top Management Grade in a reasonably quick time.”

5. The appointment letters issued to the Petitioners required them to join on 7th January, 2019. The appointment was on probation for two years. The appointment terms also made confirmation subject to satisfactory performance during branch postings, continuous assessment, pre-joining assessment and completion of prescribed certificate courses.
6. The service conditions governing the Petitioners are set out in Chapter IV of the SBI Officers’ Service Rules, 1992. Rule 16(1) provides that an officer on probation shall be confirmed if the competent authority is satisfied that the officer has successfully completed the prescribed institutional and in-service training. The proviso to Rule 16(1) is of particular significance. It enables the Bank, at its discretion, and subject to an assessment of merit and suitability for future leadership roles through a prescribed screening process, to not only confirm a Probationary Officer or Trainee Officer but also grant placement or fitment in MMGS-II. The relevant provisions are extracted



below:

“Appointment

14. (1) All appointments in and promotions to, the officers’ grades shall be made by the competent authority in accordance with the policy or guidelines, if any, laid down in this behalf by the Central Board or the Executive Committee.

Note (1): Subject to such norms as may be prescribed by the Bank, such appointments and promotions will be subject to medical fitness and sound constitution of the person concerned to be certified by one or more qualified medical practitioners approved by the Bank.

Note (2): Such appointments may be subject to verification of antecedents, as may be prescribed by the Bank from time to time.

Probation

15. (1) A person appointed as a Probationary Officer or a Trainee Officer shall be on probation for a period of two years.

15. (2) Any other employee promoted as an officer to the Junior Management Grade shall be on probation for a period of one year.

15. (3) Any other person appointed to any grade including the Junior Management Grade shall be on probation for such period as may be decided by the competent authority.

Provided that the competent authority may, in the case of any officer, reduce or dispense with the period of probation under this rule.

Confirmation

16 (1) An officer referred to in rule 15 shall be confirmed in the service of the Bank, if in the opinion of the competent authority, the officer has satisfactorily completed the training in any institution to which the officer may have been deputed for the training, and the in-service training in the Bank.

Provided, that Bank may at its discretion subject to the merit and suitability of a Probationary Officer/Trainee Officer for future leadership role, being determined through a screening process to be prescribed by the Central Human Resources Committee may confirm and give placement (fitment) to such officers in MMGS II.

Provided that an officer directly recruited in any grade may be required also to pass a test in a language other than his mother tongue or a professional course.

16 (2) If, in the opinion of the competent authority, an officer has not satisfactorily completed either or both the trainings referred to in sub-rule (1) or if the officer has not passed the test referred to therein or an officer’s service is not satisfactory, the officer’s probation may be extended by a further period not exceeding one year.”



7. Thus, the governing rule itself describes this movement as “placement (fitment)” upon confirmation. It is neither an ordinary promotion under a later promotion cycle, nor a claim to a reserved promotional vacancy. It is a special placement route created by SBI for officers who, at the end of probation, are found to have achieved the standard fixed by the Bank for immediate movement into MMGS-II. The placement is, therefore, embedded within the confirmation process itself and is triggered by performance in the same assessment cycle.

8. The impugned circular dated 23rd April, 2019 introduced a continuous training and assessment structure of 1000 marks. The assessment included pre-joining/pre-induction learning and certification, branch assessments, Branch Manager Evaluation Reports, e-learning lessons, CIF/ACE/SP certifications, credit certification, and Branch Manager’s Certificate Programme. For confirmation, the circular stipulates:

“G. Confirmation as Officers

- i. Probationary Officers/Trainee officers will be confirmed based on the overall score under continuous assessment. POs/TOs scoring minimum 50% marks (45% in case of SC/ST, PwD) under overall assessment shall be confirmed in JMGS-I.*
- ii. POs/TOs scoring 75% (70% for SC/ST candidates) and above in overall assessment shall be considered for placement in MMGS-II.*
- iii. However, for confirmation in Scale-II passing of Credit and Branch Manager certification shall be mandatory (pre-requisite).”*

9. The Petitioners were confirmed in JMGS-I with effect from 7th January, 2021. The final marks awarded to the Petitioners in the 1000-mark assessment are as follows:

Petitioner	W.P.(C)	Marks secured	Benchmark applied by SBI	Later MMGS-II status
Shikha Khushwaha	2577/2021	723.50	750	Promoted to MMGS-II on 18 th



				April, 2023
Mandal Bapi	2581/2021	725.00	750	Promoted to MMGS-II on 25 th April, 2024
Harinder Singh	2583/2021	747.75	750	Promoted to MMGS-II on 18 th April, 2023
Akhilesh Kumar Singh	2585/2021	742.11	750	Promoted to MMGS-II on 18 th April, 2023

Petitioners' submissions

10. Counsel for the Petitioners submits that the impugned exclusion is arbitrary on its face on the following grounds:

10.1 SBI treated PwD candidates at par with SC/ST candidates for confirmation in JMGS-I, but as general category candidates for direct placement in MMGS-II, without any explanation. The same circular, the same assessment, and the same officers are involved. Yet the relaxation granted at the first stage is withheld at the second.

10.2 The Petitioners do not seek any dilution of standards, nor do they claim automatic placement in MMGS-II on account of their disability. Their case is that SBI itself created a 5% relaxation for SC/ST candidates in the MMGS-II placement process. Once such relaxation was incorporated into the policy, the exclusion of PwD candidates had to rest on a rational and legally sustainable basis. None is shown to exist.

10.3 In *Anamol Bhandari v. Delhi Technological University*,¹ it was held that, in the absence of a rational basis, persons with disabilities are entitled to the same relaxation as that granted to SC/ST candidates. This principle was applied by the Supreme Court in *Aryan Raj v. Chandigarh*

¹ 2012 SCC OnLine Del 4788



Administration,² where a disabled candidate was held entitled to the same relaxed standard prescribed for SC/ST candidates. The principle, therefore, is not one of exemption from assessment. It is one of parity in the relaxed standard, once such relaxation has already been accepted within the same selection framework.

10.4 *Rajeev Kumar Gupta v. Union of India*,³ *Siddaraju v. State of Karnataka*,⁴ and *State of Kerala v. Leesamma Joseph*,⁵ are relied upon to submit that the rights of persons with disabilities do not exhaust themselves at the stage of entry into service. Disability law does not permit an employer to discharge its obligation at recruitment and thereafter leave the employee to stagnate. Its guarantee extends to equal opportunity, fair progression, and removal of barriers in service. The Petitioners' case is not one of automatic advancement, but of equal access to a placement benefit which SBI itself created and relaxed for another protected class.

10.5 The Bank's reliance on Article 335 of the Constitution and the Ministry of Finance notification dated 4th March, 2002, proceeds on a misplaced premise. Article 335 deals with the claims of SC/ST candidates in services and posts, and its proviso permits relaxation of qualifying marks or standards of evaluation in matters of promotion for SC/ST candidates. It does not bar a public employer from extending a policy-based relaxation to persons with disabilities. More importantly, the present dispute does not concern reservation in promotion. It concerns direct placement or fitment in MMGS-II upon confirmation, under a training and assessment policy framed

² (2021) 19 SCC 813

³ (2016) 13 SCC 153

⁴ 2020 SCC OnLine SC 45

⁵ Civil Appeal No. 59/2021



by SBI itself.

10.6 The preliminary objections on territorial jurisdiction, delay and acquiescence do not withstand scrutiny. A material part of the cause of action arises within Delhi. The Petitioners served in the New Delhi Circle, their confirmation operated in Delhi, and the denial of MMGS-II placement affected their service position in Delhi. Respondent No. 3, the Chief General Manager of the New Delhi Circle, is also situated within the jurisdiction of this Court. The objection founded on delay fares no better. Although the circular was issued on 23rd April, 2019, the Petitioners' grievance crystallised only when SBI applied the impugned benchmark to the 2018 batch and denied them MMGS-II placement in January, 2021. They had already represented in December, 2020 and January, 2021, and approached this Court soon thereafter. Nor does their acceptance of appointment as Probationary Officers amount to acquiescence. Acceptance of service cannot operate as a waiver of the right to question a discriminatory exclusion introduced and applied through a later assessment policy, particularly when the challenge is not to the assessment itself, but to the unequal benchmark applied within it.

Respondents' submissions

11. SBI opposes the petitions on the following grounds:

11.1 The advertisement emanates from SBI's Corporate Centre at Mumbai and contains a jurisdiction clause confining disputes to Mumbai. The policy circular also originates from the Corporate Centre. The Petitioners cannot invoke the jurisdiction of this Court merely because they were posted in Delhi when the relevant policy decision and the recruitment framework were issued from Mumbai.



11.2 The impugned circular was issued on 23rd April, 2019. The Petitioners joined service, completed probation, participated in the continuous assessment process, and accepted confirmation in JMGS-I. They challenged Clause 5(G)(ii) only after failing to secure placement in MMGS-II. The challenge, therefore, is belated, having been raised after the Petitioners took their chance under the very policy they now assail, and is liable to be rejected on the grounds of delay, laches, and acquiescence. Reliance in this regard is placed on the judgement in *Mrinmoy Maity v. Chhanda Koley*⁶.

11.3 The rule against challenging the “rules of the game” applies with full force. A candidate who participates in a selection or evaluation process with knowledge of its governing conditions cannot, after an adverse outcome, question the method or benchmark of selection. The Petitioners were aware that the benchmark for MMGS-II placement was 75% for candidates other than SC/ST candidates. Having participated on that basis, they cannot now seek to reopen or alter the prescribed benchmark after failing to attain it.

11.4 Direct placement in MMGS-II upon confirmation does not follow automatically from satisfactory completion of probation. It is a special incentive route for officers who achieve a higher level of performance and show suitability for future leadership roles. Clause 7 of the advertisement uses the expression “may be considered” for direct placement in MMGS-II. That language creates no vested right. It merely enables consideration of officers who meet the higher standard fixed by the Bank.

11.5 Rule 16(1) of the SBI Officers’ Service Rules, 1992, preserves the Bank’s discretion in the same terms. The proviso permits the Bank, subject to merit and suitability of a Probationary Officer or Trainee Officer for a

⁶ 2024 (15) SCC 215



future leadership role, to give placement or fitment in MMGS-II through a screening process prescribed by the Central Human Resources Committee. The standard for such fitment lies within the employer's domain. Judicial review cannot substitute a court-made benchmark for the one fixed by the Bank.

11.6 The 2019 policy draws a legitimate distinction between confirmation and MMGS-II placement. Confirmation in JMGS-I requires the minimum standard needed to retain a probationary officer in service. For that purpose, the general benchmark is 50%, relaxed to 45% for SC/ST and PwD candidates. MMGS-II placement, however, identifies officers for accelerated movement to a higher grade immediately upon confirmation. The Bank is entitled to insist on a higher benchmark of 75% for such placement.

11.7 The Petitioners have already received the benefits available to PwD candidates under the governing framework. They entered service against vacancies reserved for persons with benchmark disabilities. The recruitment process extended the facilities contemplated for PwD candidates, including scribe and compensatory time. The Bank also granted PwD candidates the same 5% relaxation as SC/ST candidates for confirmation in JMGS-I. The case, therefore, cannot be treated as one of denial of disability rights at large.

11.8 The Bank remains bound by Government instructions issued from time to time. It cannot extend reservation or relaxation in placement/promotion matters unless the governing instructions permit such extension. The proviso to Section 34(1) of the RPwD Act also contemplates reservation in promotion only in accordance with instructions issued by the appropriate Government. No instruction of the appropriate Government requires SBI to grant 5% relaxation to PwD candidates for direct placement in MMGS-II.



11.9 The internal memo dated 20th June, 2019 reflects this position. It refers to the Ministry of Finance, Banking Division notification dated 4th March, 2002, which states that there is no reservation in promotion for physically disabled persons in the case of promotion from clerical to officers' grade. Acting on that Government position, the Bank did not extend relaxation in minimum qualifying marks to PwD candidates for placement in MMGS-II upon confirmation.

11.10 Article 335 of the Constitution operates in the field of SC/ST claims in services and posts. Its proviso permits relaxation in qualifying marks or standards of evaluation in matters of promotion for SC/ST candidates. The relaxation given to SC/ST candidates for MMGS-II placement rests on this distinct constitutional setting. The Petitioners cannot invoke Article 14 to transplant that SC/ST relaxation into the PwD framework when no corresponding Government instruction exists.

11.11 The judgments relied upon by the Petitioners do not decide the present controversy. The Respondents contend that landmark rulings such as *Anamol Bhandari* and *Siddaraju* were decided under the repealed Persons with Disabilities Act, 1995, and are inapplicable to the current statutory framework of the 2016 Act. They further argue that *Anamol Bhandari* and *Aryan Raj* arose strictly in the context of educational admissions and academic aptitude tests; consequently, they do not lay down binding law relating to employment or compel parity in a service placement policy framed for accelerated movement to a higher managerial grade.

11.12 PwD candidates, who receive horizontal reservation under Article 16(1), cannot seek equivalence with SC/ST candidates, whose exclusive right to relaxed evaluation standards is a specific Constitutional benefit



under Article 335 and the 82nd Amendment. Reliance is placed on the distinction between horizontal and vertical reservation recognised in *Indra Sawhney & Ors. v Union of India*⁷ and explained in *Saurav Yadav v. State of Uttar Pradesh*.⁸

11.13 The prescription of eligibility standards belongs to the employer. *Chief Manager, Punjab National Bank v. Anit Kumar Das*,⁹ recognises that the employer determines qualifications and eligibility conditions, and the Court does not expand or alter them in judicial review. The same restraint applies to SBI's decision to prescribe 75% as the benchmark for PwD candidates seeking MMGS-II placement.

11.14 PwD candidates were not excluded from MMGS-II placement as a class. Those who secured 75% or more received placement in MMGS-II. The Petitioners were not denied placement because of disability. They were denied placement because they did not reach the prescribed benchmark. Uniform application of the benchmark cannot be characterised as discrimination.

11.15 It is further submitted that the direct placement route in MMGS-II was part of the Bank's manpower planning and operated as a discretionary measure. The said route has since been discontinued for subsequent batches, which, according to the Respondents, underscores that it was not a continuing or vested avenue of progression. On that basis, it is contended that no enforceable right can be claimed by the Petitioners to such placement as a matter of course.

11.16 Subsequent developments also affect the relief. The Petitioners have

⁷ 1992 Supp 3 SCC 217

⁸ 2021 (4) SCC 542



not remained stuck in JMGS-I. Shikha Khushwaha, Harinder Singh and Akhilesh Kumar Singh were promoted to MMGS-II on 18th April, 2023. Mandal Bapi was promoted on 25th April, 2024. At the highest, the surviving claim concerns retrospective placement and consequential benefits. It does not justify unsettling the concluded 2021 assessment.

Issues

12. On the basis of the pleadings and submissions advanced, following issues arise for consideration:

- (i) Whether this Court has territorial jurisdiction to entertain the petitions and whether the challenge is defeated by delay, acquiescence, or the Petitioners' participation in the assessment process.
- (ii) Whether direct placement/fitment in MMGS-II upon confirmation, under Rule 16(1) of the SBI Officers' Service Rules, 1992 and the circular dated 23rd April, 2019, is a promotion, a reserved promotional benefit, or an incentive-based placement route created by SBI for Probationary Officers who achieve the prescribed standard.
- (iii) Whether SBI, having granted a 5% relaxation to PwD candidates at the stage of confirmation in JMGS-I, could deny them the same relaxation for direct placement/fitment in MMGS-II while granting such relaxation to SC/ST candidates under the same continuous assessment scheme.
- (iv) Whether SBI's reliance on Article 335 of the Constitution, the proviso to Section 34(1) of the RPwD Act, 2016, and the Ministry of Finance notification dated 4th March, 2002 furnishes a valid basis to exclude PwD candidates from the relaxed MMGS-II benchmark.
- (v) If the exclusion is found unsustainable, what relief should follow,

⁹ 2020 (12) SCALE 392



particularly when the Petitioners have since been promoted to MMGS-II in the regular course.

Preliminary objections

13. The objection to territorial jurisdiction has no substance. The Petitioners were appointed in the New Delhi Circle and served in branches within Delhi. Their confirmation in JMGS-I operated in Delhi, and the denial of direct placement in MMGS-II affected their service position in Delhi. Respondent No. 3, the Chief General Manager, New Delhi Circle, is also located within the jurisdiction of this Court. SBI's Corporate Centre may be in Mumbai, and the advertisement may contain a clause referring disputes to Mumbai. Those facts do not curtail the constitutional jurisdiction of this Court under Article 226(2) once a material part of the cause of action arises within Delhi.

14. The objection founded on delay is equally untenable. The circular was issued on 23rd April, 2019, but the Petitioners' grievance arose in its operative form only when SBI applied the impugned benchmark to the 2018 batch and denied them MMGS-II placement in January, 2021. The Petitioners had already represented in December, 2020 and January, 2021. They approached this Court soon thereafter. This is not a stale claim revived after years of inaction. It is a prompt challenge to the actual application of the impugned clause.

15. The plea of acquiescence also fails. The Petitioners accepted appointment as Probationary Officers and underwent the continuous assessment prescribed by SBI. By doing so, they did not surrender their right to question a discriminatory exclusion applied at the stage of MMGS-II placement. The rule that a candidate who participates in a selection process



cannot later challenge the “rules of the game” has no mechanical application here. The Petitioners do not challenge the evaluation merely because the result went against them. They challenge the legality of a benchmark which grants relaxation to SC/ST candidates but denies the same relaxation to PwD candidates within the same assessment framework.

16. It is also relevant that the Petitioners raised their grievance before SBI before or immediately after declaration of the assessment result. Their challenge was not an afterthought fashioned for litigation. They placed the issue before the Bank at the first available stage, and the Bank chose to maintain the exclusion.

17. Delay and laches do not defeat a claim merely by lapse of time. The Respondents place reliance on *Mrinmoy Maity* to contend that the petitions are barred by delay and laches. The principle in *Mrinmoy Maity* is attracted where a litigant approaches the Court after sleeping over his rights for a considerable period. The Petitioners raised their grievance in December, 2020 and January, 2021, immediately upon the impending application and actual application of the impugned benchmark, and approached this Court without undue delay thereafter.

18. The challenge here is rooted in a violation of fundamental rights and the statutory mandate of the RPWD Act, 2016, procedural bars cannot be used to sanctify a facially discriminatory policy. For these reasons, preliminary objections raised by SBI on the grounds of territorial jurisdiction, delay and acquiescence, do not merit acceptance.

Nature of MMGS-II placement

19. SBI is correct to this extent: the process in question is not a regular promotion exercise. Rule 16(1) of the SBI Officers’ Service Rules, 1992



uses the expression “placement (fitment)” in MMGS-II. Clause 7 of the advertisement adopts the same idea. It states that officers who achieve the higher standards or scores stipulated by the Bank may be considered for direct placement in the next higher grade, namely MMGS-II, immediately after confirmation. The circular dated 23rd April, 2019 carries this structure forward.

20. This distinction is material because a substantial part of SBI’s defence proceeds on the footing that the Petitioners seek reservation in promotion. They actually do not. The present case does not concern reservation in promotion under Section 34 of the RPwD Act, nor does it require the Court to determine the scope of such reservation within SBI’s regular promotional framework. The controversy arises within a distinct scheme: direct placement or fitment in MMGS-II upon confirmation, based on the same continuous assessment undertaken during probation.

21. The process is, therefore, better understood as an incentive-based placement route. SBI designed it to identify Probationary Officers who, at the end of training, had achieved the higher standard prescribed for immediate fitment in MMGS-II. The Bank was entitled to prescribe a demanding benchmark for that purpose. It did so by fixing 75% as the general benchmark and chose to relax that benchmark to 70% for SC/ST candidates.

22. Once the process is placed in its correct setting, the real issue becomes clear: whether SBI, having relaxed the standard for one protected class within this placement scheme, could deny the same relaxation to PwD candidates, without a rational basis.

The flaw in SBI’s approach



23. SBI answers the Petitioners' claim by saying that no Government instruction mandates relaxation for PwD candidates in MMGS-II placement. That contention does not address the issue. The relaxation granted to SC/ST candidates for MMGS-II placement is itself a policy choice made by the Bank. SBI's affidavit says so in terms: concession is provided to SC/ST employees for placement in MMGS-II by the Bank, but not to PwD candidates, because there is no Government guideline providing such concession to them.

24. The absence of a Government mandate cannot, by itself, justify exclusion where the employer has voluntarily created a relaxation. A public employer may frame a policy within the bounds of law. Once it does so, the policy must answer Article 14. The Bank cannot sustain an exclusion merely by saying that no external authority required inclusion. The issue is not whether SBI was compelled to grant relaxation. The issue is whether, after granting relaxation to one protected class within the same placement scheme, it had a rational basis to deny the same relaxation to PwD candidates.

25. SBI's reliance on the Ministry of Finance notification dated 4th March, 2002, as reflected in its memo dated 20th June, 2019, suffers from the same error. The memo records that there is no reservation in promotion for physically disabled persons in cases of promotion from clerical to officers' grade. It then concludes that relaxation in minimum qualifying marks is not extended to PwD candidates for placement in MMGS-II upon confirmation.

26. That reasoning proceeds on a mistaken premise. The Petitioners were not clerical employees seeking promotion to the officers' cadre. They were directly recruited Probationary Officers, already serving in the officers'



stream. They were undergoing the very assessment prescribed for confirmation and possible fitment in MMGS-II. Nor were they asking SBI to create a reserved promotional vacancy. Their grievance is that the relaxed qualifying benchmark of 70%, granted to SC/ST candidates in the same placement process, was arbitrarily denied to PwD candidates without any reason tied to the object of the scheme.

27. Reservation and relaxation operate in different fields. Reservation concerns earmarking of vacancies. Relaxation concerns the standard by which eligibility or qualification is tested. The memo dated 20th June, 2019 conflates the two. It treats the absence of reservation in promotion as a reason to deny relaxation in a placement assessment. That conclusion does not follow.

28. The internal record makes the exclusion still harder to sustain. The memo dated 20th March, 2019 is itself captioned as one concerning “Relaxation/Concession to be extended to SC/ST/PwD candidates” for confirmation in JMGS-I and direct placement in MMGS-II. Its opening sentence records that relaxation in minimum qualifying marks may be extended to SC/ST/PwD candidates. The underlying note goes further. It records the Law Department’s view that, since concession had already been provided to SC/ST/PwD candidates, it should not be withdrawn and may be continued in overall marks both for confirmation in JMGS-I and direct placement in MMGS-II. Yet the final clause, without explanation, confines MMGS-II relaxation to SC/ST candidates alone.

29. This is not a case where the Court is asked to replace the employer’s judgment with its own. The defect is more fundamental. The record does not show a conscious and reasoned decision to exclude PwD candidates from



the MMGS-II relaxation. It shows an unexplained departure from SBI's own internal understanding that relaxation for SC/ST/PwD candidates was under consideration for both stages. A policy may withstand judicial review even if the Court might have taken a different view. It cannot do so where the exclusion it creates is based on an erroneous premise and is unsupported by any rational explanation.

30. SBI's argument that some PwD candidates secured 75% and were placed in MMGS-II is beside the point. That fact only shows that PwD candidates were allowed to compete at the unrelaxed general benchmark. The challenge is to the refusal to apply the relaxed benchmark. Equality is not answered by saying that some members of a protected class could cross a higher bar.

Article 14 and disability equality

31. Disability law no longer treats persons with disabilities as objects of benevolence. It treats them as rights-bearing citizens entitled to dignity, reasonable accommodation, equal opportunity and removal of barriers that impede full participation. The RPwD Act, 2016 gives statutory force to this shift. Section 34 deals with reservation, but the Act is not confined to reservation. Its guarantee travels further. In public employment, equality means more than entry into service. It includes fair evaluation, access to progression, and standards that do not exclude persons with disabilities without reason. This understanding is consistent with the constitutional directive embodied in Article 41, which recognises the obligation of the State to make effective provision for persons facing disablement.

32. In *Anamol Bhandari*, a Division Bench of this Court examined a policy under which SC/ST candidates received 10% relaxation in eligibility



marks, while PwD candidates received only 5%. The Court did not accept the plea that such a matter lay entirely in the domain of policy. It held that a policy decision remains open to judicial review where it is arbitrary, discriminatory, or offends Article 14. The Court recognised the disadvantage faced by persons with disabilities and held, in that context, that they were at least entitled to the same relaxation as SC/ST candidates, unless the institution could justify a different standard.

33. *Aryan Raj* applies the same principle. The Supreme Court considered a qualifying benchmark in an aptitude test and held that, where SC/ST candidates were permitted to qualify at a relaxed standard, the same relaxed standard had to be extended to candidates with disabilities, absent a rational basis for differential treatment. The requirement of assessment was preserved; what was impermissible was the unequal application of the relaxed benchmark within the same framework.

34. SBI seeks to distinguish *Anamol Bhandari* and *Aryan Raj* on the ground that they arose in the field of education, not service. That distinction does not answer the principle for which the Petitioners rely on those decisions. The principle is not confined to admissions. It is a principle of equality. When a public institution grants relaxation to one protected class and denies comparable relaxation to persons with disabilities in the same or a comparable framework, it must justify the denial.

35. *Rajeev Kumar Gupta*, *Siddaraju*, and *Leesamma Joseph* recognise the statutory and constitutional basis of rights of persons with disabilities in public employment. In *Rajeev Kumar Gupta*, the Supreme Court held that the benefit of reservation for persons with disabilities cannot be confined only to identified posts at the stage of initial recruitment, and that such



reservation is not excluded from promotional avenues merely on that basis. *Siddaraju* reiterates that the statutory mandate in favour of persons with disabilities cannot be defeated by drawing distinctions in the mode of recruitment or promotion. *Leesamma Joseph* affirms that the scheme of the RPwD Act is to secure effective participation of persons with disabilities in public employment. These decisions, while rendered in the context of reservation in promotion, underscore that the guarantee of equality for persons with disabilities is not exhausted at the stage of entry into service.

36. These decisions do not dispense with assessment or mandate automatic advancement. They recognise that the rights of persons with disabilities in public employment extend beyond initial recruitment and must be realised within the governing framework of evaluation and progression. The Petitioners' claim is consistent with that framework. They underwent the same assessment as their batchmates and seek only parity in the relaxed qualifying standard already applied by SBI to SC/ST candidates.

Article 335

37. SBI's reliance on Article 335 is misplaced at the threshold. Article 335 operates in the context of claims of SC/ST candidates in appointments and in matters of reservation in promotion. The present case does not concern reservation in promotion. It concerns direct placement or fitment in MMGS-II upon confirmation under a training and assessment policy. Article 335, therefore, has no application.

38. Even otherwise, Article 335 does not assist SBI in the manner in which it is invoked. Its proviso enables relaxation in qualifying marks or lowering of standards of evaluation in matters concerning reservation in promotion for SC/ST candidates. It is an enabling provision for SC/ST



candidates. It is not a prohibition against extending a policy-based relaxation to persons with disabilities.

39. SBI may rely on Article 335, or on the policy framework flowing from it, to justify the relaxation granted to SC/ST candidates. But Article 335 cannot become a reason to deny PwD candidates a relaxation which otherwise satisfies Article 14. Nothing in Article 335 says that, once relaxation is granted to SC/ST candidates, a public employer must withhold a comparable relaxation from persons with disabilities. The provision does not create a constitutional barrier against disability-inclusive policy.

40. SBI's own conduct shows that efficiency was not understood as incompatible with PwD relaxation. For confirmation in JMGS-I, the Bank accepted 45% as the qualifying standard for SC/ST and PwD candidates alike. It therefore recognised, within the very same circular, that a 5% relaxation for PwD candidates remained consistent with service requirements. The Bank has not explained why the same class of PwD candidates, assessed in the same cycle and under the same 1000-mark framework, became indistinguishable from general category candidates only when the consequence shifted from confirmation in JMGS-I to direct placement in MMGS-II.

Judicial review of the policy: precedents

41. The Court is mindful that prescription of service standards ordinarily falls within the employer's domain. A court does not sit over administrative policy as an appellate authority. But deference has limits. A policy framed by a public employer must still satisfy the minimum attributes of legality: non-arbitrariness, consistency, rational classification and equal treatment.

42. SBI relies on the decision in *State Bank of Madhya Pradesh v.*



*Narmada Bachao Andolan*¹⁰ to argue that the Bank has the absolute competence to frame its own policies based on institutional requirements and that such policies should not be interfered with merely because another decision might have been “fairer or more scientific”.

43. They further cite the decision in *SBI Scheduled Caste/Tribe Employees’ Welfare Assn. v. State Bank of India*¹¹ to contend that granting relaxations in service norms is a matter of administrative discretion and that Article 16(4) confers no vested right upon employees to demand specific evaluative standards.

44. However, reliance on these precedents is misplaced. In fact, *Narmada Bachao Andolan* explicitly qualifies the immunity of policy decisions, stating that a public policy can be challenged where it “offends some constitutional or statutory provisions”.

45. *SBI Scheduled Caste/Tribe Employees’ Welfare Assn.* is also distinguishable, as the Petitioners neither challenge the Bank’s administrative wisdom in designing the assessment framework nor seek the creation of a new reservation benefit; their grievance is confined to the classification embedded in the policy, which extends a relaxed benchmark to SC/ST candidates while denying it to PwD candidates.

46. In view of the above, the Respondents’ objection to judicial review cannot be sustained. The present challenge does not invite the Court to substitute its own policy or to recalibrate service standards. It is confined to examining whether the classification introduced by Clause 5(G)(ii), within the same assessment framework, satisfies the requirements of Article 14. To

¹⁰ 2011 (7) SCC 639

¹¹ 1996 (4) SCC 119



that extent, the impugned policy remains fully amenable to judicial scrutiny.

Application to the Petitioners

47. The factual position leaves little room for debate. Each Petitioner crossed 700 marks out of 1000 in the continuous assessment. None of them reached the general benchmark of 750 marks. If PwD candidates had received the same 5% relaxation for MMGS-II placement as they received for JMGS-I confirmation, each Petitioner would have satisfied the eligibility threshold of 700.

48. The classification is, therefore, stark. An SC/ST candidate securing 700 marks became eligible for MMGS-II placement, while a PwD candidate securing the same marks did not. SBI has not demonstrated how this exclusion bears any rational nexus with the object of identifying officers suitable for future leadership.

49. SBI has also not shown any independent disqualification against any Petitioner. It does not say that any of them failed a mandatory certification, lacked suitability under Rule 16(1), or suffered from any adverse assessment apart from the shortfall against the 75% benchmark. Once it is found that PwD candidates were wrongly denied the benefit of the relaxed 70% benchmark, the denial of direct placement in MMGS-II cannot stand.

50. The subsequent promotions of the Petitioners to MMGS-II do not render the writ petitions infructuous, the challenge being to the denial of placement in 2021 and the consequences flowing therefrom. They, in fact, underscore that the denial was not founded on lack of suitability or any concern of administrative efficiency, as each of the Petitioners has since been found fit for MMGS-II.

51. Therefore, the effect of these promotions is only on the nature of



relief. Shikha Khushwaha, Harinder Singh and Akhilesh Kumar Singh were promoted to MMGS-II on 18th April, 2023, and Mandal Bapi on 25th April, 2024. In that light, the surviving claim is confined to correction of the 2021 denial and its consequences, including notional placement from the due date, seniority, pay fixation, consequential service benefits, and eligibility for the next promotional channel on that basis.

52. The order dated 9th January, 2025 assumes significance in this context. SBI stated before the Court that, if the Petitioners succeed in these writ petitions, they would be permitted to participate in the next promotional exercise from MMGS-II to MMGS-III and, if successful, would receive consequential benefit from the 2024-25 promotion year. The Court recorded the assurance and bound SBI to it.

53. SBI cannot rely on the very denial now found unlawful to say that the Petitioners lack the requisite length of service in MMGS-II for further promotion. If they ought to have been treated as eligible for MMGS-II placement in 2021, their service eligibility for the next channel of advancement must also be examined on that corrected basis.

Conclusion

54. For the reasons aforesaid, Clause 5(G)(ii) of SBI Circular No. CDO/STU-TRAINING/3/2019-20 dated 23rd April, 2019 is declared arbitrary and violative of Article 14 to the extent it excludes PwD candidates from the 5% relaxation granted to SC/ST candidates for direct placement in MMGS-II upon confirmation.

55. The exclusion is not saved by Article 335, the proviso to Section 34(1) of the RPwD Act, the Ministry of Finance notification dated 4th March, 2002, or SBI's internal memo dated 20th June, 2019. Those materials



concern reservation in promotion or distinct service situations. They do not justify denial of parity in relaxation within a placement/fitment policy framed by SBI itself for directly recruited Probationary Officers.

56. The writ petitions are accordingly allowed in the following terms:

- (i) Clause 5(G)(ii) of the circular dated 23rd April, 2019 is read down, for the 2018 Probationary Officer batch, to extend to PwD candidates the same 5% relaxation granted to SC/ST candidates for direct placement/fitment in MMGS-II upon confirmation.
- (ii) The Petitioners, having secured more than 700 marks out of 1000 in the continuous assessment, shall be treated as having satisfied the relaxed eligibility benchmark for direct placement/fitment in MMGS-II under the 2018 batch assessment.
- (iii) SBI shall grant the Petitioners notional placement/fitment in MMGS-II with effect from the date on which similarly placed officers of the 2018 Probationary Officer batch were granted direct placement/fitment in MMGS-II pursuant to the same assessment process.
- (iv) The Petitioners' seniority in MMGS-II shall be refixed on that basis. Their pay shall also be refixed notionally from the due date, with consequential increments and service benefits.
- (v) SBI shall release the differential monetary benefits arising from such refixation for the period between the due date of notional MMGS-II placement and the respective dates on which the Petitioners were actually promoted to MMGS-II. The amounts shall be computed and paid within twelve weeks from today. If SBI considers any particular monetary component inadmissible under the applicable service rules, it shall pass a reasoned order confined to that component within the same period. Such



consideration shall not delay notional placement, seniority re-fixation, or consequential service benefits.

(vi) In terms of the undertaking recorded by this Court on 9th January, 2025, SBI shall permit the Petitioners to participate in the next promotional exercise for MMGS-III for which they become eligible on the basis of their re-fixed MMGS-II placement. If they qualify in such exercise, they shall receive consequential benefit from the promotion year 2024-25, in accordance with the undertaking already recorded.

(vii) The entire exercise shall be completed within twelve weeks.

57. The pending applications, if any, stand disposed of.

SANJEEV NARULA, J

APRIL 28, 2026