

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SMW (C) No(s). 2/2024

IN RE: RECRUITMENT OF VISUALLY IMPAIRED IN JUDICIAL SERVICES

WITH

SMW(C) No. 6/2024 (X)
(FOR ADMISSION)

W.P.(C) No. 484/2024 (X)

(WITH IA No. 242053/2024 - AMENDMENT OF THE PETITION, IA No. 168595/2024 - EXEMPTION FROM FILING O.T., IA No. 168594/2024 - GRANT OF INTERIM RELIEF)

W.P.(C) No. 494/2024 (X)

(WITH IA No. 242002/2024 - AMENDMENT OF THE PETITION, IA No. 172428/2024 - EXEMPTION FROM FILING O.T., IA No. 172424/2024 - GRANT OF INTERIM RELIEF)

Date : 07-11-2024 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE MANOJ MISRAMr. Gaurav Agrawal, Senior Advocate (AC)
Mr. Ravi Raghunath, AOR
Mr. Manan Daga, Adv.
Mr. P Vijayakumar, Adv.
Mr. Nakul Patwardhan, Adv.
Mr. Karan Singh, Adv.
Ms. Kaarunya Lakshmi, Adv.For Petitioner(s) Mr. Nishit Agrawal, AOR
Ms. Kanishka Mittal, Adv.
Mr. Sankalp Suman, Adv.

By Courts Motion

For Respondent(s) Mr. S.K. Rungta, Sr. Adv.
Mr. Prashant Singh, Adv.
Mr. D.K. Garg, Adv.
Mr. Abhishek Garg, Adv.
Mr. Dhananjay Garg, AOR

Mr. Mukul Kumar, AOR

Mr. Arjun Garg, AOR
Ms. Kriti Gupta, Adv.
Mr. Ponnamb Mahesh Babu, Adv.
Mr. Brahma Prakash Soni, Adv.

Mr. Sunny Choudhary, AOR
Mr. Sarthak Raizada GA, Adv.
Mr. Sarad Kumar Singhanian, Adv.
Mr. Anurag Singh, Adv.

Mr. Sameer Shrivastava, AOR
Mrs. Priyanka Shrivastava, Adv.
Ms. Palak Mathur, Adv.
Ms. Yashika Varshney, Adv.

Mr. R. Prabhakaran, Adv.
Mr. G. Sivabalamurugan, AOR
Mr. Selvaraj Mahendran, Adv.
Mr. C.adhikesavan, Adv.
Mr. Harikrishnan P.v, Adv.
Mr. C.kavin Ananth, Adv.

Mr. Shyam Gopal, AOR
Mr. Sharath Chandran, Adv.
Mr. Harikrishnan Rajagopalan, Adv.
Ms. Anukriti Anand, Adv.

**UPON hearing the counsel the Court made the following
O R D E R**

1 Pending further orders, we are inclined to issue the following general directions which will govern the selection of candidates to the District Judiciary across the country. These directions shall be observed by the High Courts or, where the Public Service Commissions¹ carry out recruitment on behalf of the High Courts, by those PSCs:

- (i) The High Courts/ PSCs, while making recruitment to judicial service, ought to provide separate qualifying marks for persons with benchmark disabilities² in the Preliminary Examination. The qualifying marks should

1 "PSC"

2 "PwBD"

ordinarily be the same as for SC/ST candidates or can even be lower if so prescribed by the relevant Rules. If the Rules are silent, then the competent authority can lay down such qualifying marks;

- (ii) After the Preliminary Examination is held, a separate cut-off should be prescribed for persons with benchmark disability to ensure that candidates equal to 10/15/20 times³ the number of posts reserved for PwBD candidates, are eligible to take the main exam. As done by the High Court of Jharkhand, a separate cut-off can be provided for:
 - (a) blindness and low vision;
 - (b) deaf and hard of hearing;
 - (c) locomotor disability;
 - (d) Others, i.e. PwBD candidates covered by Section 34 (1) (d) & 34 (1) (e);
- (iii) The High Court/ PSC ought to lay down separate qualifying marks for the Mains Examination for PwBD candidates which can be the same as SC/ST candidates or can be even lower if so required by the relevant Rules. If the Rules are silent, then the competent authority can lay down such qualifying marks;
- (iv) While declaring the results for the Mains Examination, a separate cut-off should be prescribed for PwBD candidates [who have the qualifying marks] who can appear for the interview so that sufficient persons belonging to PwBD category take the interview which is normally 3/5

3 Depending on the relevant Recruitment Rules

times⁴ the number of vacancies for PwBD candidates. At this stage also the recruiting agency may be able to follow the bifurcation as provided in Section 34 (1) of the Act; and

- (v) After the interview at the time of final selection, PwBD candidates who clear the minimum qualifying marks in the Mains Examination and Interview ought to be recruited to the service based on horizontal reservation i.e., persons with PwBD who are on their own merit eligible for General / OBC / SC / ST / EWS seats should be counted towards the total reserved vacancies.
- 2 Reservations for persons with disabilities shall be horizontal in nature and vacancies for persons with benchmark disability shall be maintained as a separate class.
- 3 A copy of this order shall be circulated to the Registrars General of the High Courts so that they can be placed before the Chief Justice and the Committee Incharge of recruitment in the District Judiciary for compliance prospectively.
- 4 The High Courts shall bring their rules in conformity with these directions and report compliance.
- 5 List the matters after two weeks.

(SANJAY KUMAR-I)
ADDITIONAL REGISTRAR

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR

- 4 Depending on the relevant Recruitment Rules