

**Central Administrative Tribunal  
Principal Bench, New Delhi**

**O.A. No. 1985/2020**

Today, this the 4<sup>th</sup> day of December, 2020

Through video conferencing

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman**  
**Hon'ble Mr. A. K. Bishnoi, Member (A)**

Dr. Khedkar Puja Deeliprao  
CSE 2020 Candidate (Group A)  
Aged 30 years  
112, National Housing Society  
Baner Road Aundh, Pune-411007  
Maharashtra

...Applicant

(By Advocate : Shri Avinash K. Sharma )

Versus

1. Union of India  
Through the Secretary  
Department of Personnel and Training  
North Block, Central Secretariat  
New Delhi, Delhi 110001.
2. Union Public Service Commission  
Through the Secretary  
Dholpur House  
Shahjahan Road, New Delhi-110069.

..Respondents

(By Advocate : Sh. Ranjan Tyagi for R.No. 1 and Shri R.V. Sinha for R.No. 2)

**ORDER (ORAL)**

**Mr. Justice L. Narasimha Reddy, Chairman :**

The applicant claims to be a person with disability.

This OA is filed with a prayer to direct the respondents





herein, i.e., Union of India (UOI) and Union Public Service Commission (UPSC) to grant relaxation to candidates under Persons with Benchmark Disabilities (PwBD) category on par with SC/ST candidates in the Civil Services Examination notification for 2021 and thereafter, on various aspects including the one as to the number of maximum attempts permitted for a candidate. The applicant contends that the PwD are subjected to a hardship which is greater than the one faced by the SC/ST candidates and the same benefits need to be granted to them. Reliance is made to the judgment of the Hon'ble High Court of Delhi in **Anamol Bhandari versus Delhi Technical University in WP(C) No. 4853/2012** dated 12.09.2012.

2. We heard Shri Avinash K. Sharma, learned counsel for the applicant, Shri Ranjan Tyagi, learned counsel for respondent no. 1 and Shri R.V. Sinha for respondent no. 2.

3. The relief claimed by the applicant is anticipatory in nature and much beyond the scope of this Tribunal. It is almost in contemplation. The basis for the applicant seems to be an observation made by the Hon'ble High

Court in the case of **Anamol Bhandari**. Para 21 of which reads as under:



“21. All the aforesaid clinchingly demonstrates that the people suffering from disabilities are equally socially backward, if not more, as those belonging to SC/ST categories and therefore, as per the Constitutional mandates, they are entitled to at least the same benefit of relaxation as given to SC/ST candidates.”

However, in the context of granting relief, the Hon’ble High Court has restricted it to the Delhi Technical University (DTU) and no general relief, much less in relation to the examinations conducted by the UPSC was granted, Para 22 reads as under:

“22. We, therefore, hold that the provision giving only 5% concession in marks to PWD candidates as opposed to 10% relaxation provided to SC/ST candidates is discriminatory and PWD candidates are also entitled to same treatment. The mandate is, accordingly, issued direction the DTU to provide 10% relaxation. Thus, the minimum eligibility requirement for persons belonging to PWD becomes 50% in PCM. Since the petitioner becomes eligible to be considered for admission in B. Tech. Course of DTU, his case may accordingly be considered for admission and if found eligible for admission on that basis, the same be granted to him forthwith. Writ petition is allowed in the aforesaid terms.

No costs.”

4. The UPSC issues notification year after year and specific rules are framed for that purpose. Depending upon the policy decisions taken by the Government at the highest levels, the eligibility criteria and other related issues are incorporated. It is only when any condition

incorporated by the UPSC in the relevant notification is to contrary to law, that an occasion would arise for the Tribunal to examine it.

5. We do not find any merit in the OA and the same is accordingly dismissed. There shall be no order as to costs.

**( A. K. Bishnoi )**  
**Member (A)**

**( Justice L. Narasimha Reddy )**  
**Chairman**

*/jyoti/ns/ankit/sd/akshaya11dec/*

