

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/SPECIAL CIVIL APPLICATION NO. 4534 of 2026**

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JOSHI UMANG VIJAYKUMAR
Versus
UNION OF INDIA & ORS.

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Appearance:
PARTY IN PERSON(5000) for the Petitioner(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE NIRZAR S. DESAI

Date : 02/04/2026

ORAL ORDER

1. This petition is filed by the petitioner-party-in-person, who has already availed maximum number of attempts, i.e. 9 in numbers, for appearing in UPSC examination and after having failed in each of the attempts, this petition is filed questioning the system or the methodology or the procedure meant for appearing in UPSC examination by the candidates with physical disability, who can avail services of a 'Scribe'.

1.1 This petition is filed, seeking following reliefs;

“37. ...

a) *Issue a writ of mandamus or any other appropriate writ, order or direction directing Respondent No.1 (DoPT) to grant the petitioner one compensatory attempt in the Civil Services Examination, and further direct Respondent No. 2 (UPSC) to act in accordance therewith;*

b) *Issue a writ of mandamus or any other appropriate writ, order or direction directing Respondent No.2 — Union Public*



Service Commission to collect, digitise and preserve all Appendix-WI Undertakings submitted by PwBD candidates in CSE-2023, CSE-2024 and CSE-2025 together with the identity documents enclosed therewith, and to conduct a verification exercise by matching the names and particulars of scribes with its database of past UPSC Civil Services examinees (Prelims/Mains/Interview), and thereafter be pleased to place before this Hon'ble Court an anonymised report indicating the number and proportion of scribes who were past UPSC aspirants, with liberty to furnish sensitive particulars in sealed cover. The petitioner respectfully clarifies that this prayer is made only to enable a fair assessment of systemic risk under the earlier scribe framework and does not seek to reopen any examination, disturb any completed selection process, or affect the rights of any other candidate.;

c) issue a writ and direct to Respondent No.2 — Union Public Service Commission and Respondent No.1 — Department of Personnel and Training to provisionally accept the petitioner's application for Civil Service Examination-2026. If the interim relief is not granted, the petitioner will suffer irreparable prejudice.

d) Issue appropriate directions to the Respondents to implement necessary safeguards and verification mechanisms in the conduct of the Civil Services Examination, 2026, during the period of extension of abeyance of the Revised Comprehensive Guidelines dated 01.08.2025, so as to prevent continuation of structural vulnerabilities and ensure a fair and non-discriminatory examination process;

e) pass any such other or further writ, order(s) or direction(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.”

1.2 Though, the party-in-person argued the matter for almost 30 minutes, he was not in a position to convince this

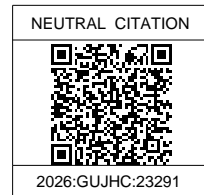


Court that if, the system or the procedure was incomplete and faulty, then, why did the party-in-person continued to appear in the UPSC examination with the faulty procedure or system and availed maximum number of limit of nine attempts, where he could not succeed and clear the said examination, even for once.

1.3 When this Court put a specific query to the party-in-person, whether, during all these nine attempts, when the party-in-person appeared in the UPSC examination, was there any change in the system or the procedure for appearing in UPSC examination through scribe and the party-in-person was honest enough to state that the system or the procedure for appearing in UPSC examination through scribe has never been changed and the same has continued all these years.

1.4 The Court, then, asked the party-in-person, who claims to be a visually impaired (PwBD-2), whether, the party-in-person ever thought to avail the services of a scribe, the party-in-person submitted that all throughout, i.e. during nine attempts, he never availed services of a scribe.

1.4.1 This Court also asked the party-in-person, whether, not availing services of a scribe was the voluntary decision of the party-in-person, himself, or had someone



forced such a decision on him? The party-in-person was candid enough to submit that this was his own decision and now, when this petition is filed, he submitted that the earlier system of allowing scribe was faulty one and therefore, it resulted into a failure in providing equal level playing field amongst the persons with physical disability. Therefore, a person, who cleared examination after availing services of a scribe, such a success was based on a system, which has in-built faults and flaws and now is the time to change the same.

1.4.2 The party-in-person also pointed out before this Court that Government of India, vide office memorandum issued through the Ministry of Social Justice & Empowerment, Department of Empowerment of Persons with Disabilities (Divyangjan), Dated: 01.08.2025, the entire methodology and the qualification of the scribe, i.e. who can appear as a scribe on behalf of a disabled person, is changed. However, the aforesaid guidelines are kept in abeyance, at-least, till the next UPSC examination is conducted and therefore, at present, the same faulty system continues.

1.5 In this background, this Court considered the reliefs prayed for in this petition, which are already reproduced herein above, so also the fact that the party-in-person has already availed maximum number of attempts for appearing



in UPSC examination, i.e. total nine in numbers, as visually impaired, PwBD-2) candidate and the party-in-person could not clear the UPSC examination even for once and now, he has reached maximum permissible age limit of 39 years and he is no more eligible to appear in UPSC examination. Therefore, when the petitioner continued to appear in UPSC examination with in-built fault in procedure for availing services of a scribe and when he could not clear the exam even on a single occasion now, it would not be open to the party-in-person to question the procedure. Further, after appearing in UPSC examination for the first or the second time or at-least, having realized that there is a fault in providing the services of a scribe in UPSC examination, he could have challenged the same, but, he didn't do so. In fact, the party-in-person seems to be espousing an agenda , rather than trying to make out a case for himself.

1.6 Moreover, the fact remains that the results are, now, out and the party-in-person is declared unsuccessful and there is no more attempt left for him to appear in UPSC examination. Further, considering the nature of reliefs prayed for in this petition, it seems that the party-in-person is more interested in overhauling the entire system. As noted herein above, the Respondents have, vide office memorandum of the Ministry of Social Justice & Empowerment, Department of Empowerment of Persons with Disabilities (Divyangjan), Dated: 01.08.2025, have



already taken care of the faults or flows or according to them, there were some faults or lacunae, which according to the Respondents, were there in the system. Therefore, at this juncture, I do not propose to entertain this petition, simply for the reason that the party-in-person has failed in the UPSC examination and he has also availed maximum number of attempts permissible for appearing in UPSC examination and the Respondents have already taken care of the issues related to the faults or flows in the system for providing scribe in UPSC examination by way of office memorandum issued by the Ministry of Social Justice & Empowerment, Department of Empowerment of Persons with Disabilities (Divyangjan), Dated: 01.08.2025. Hence, this petition deserves to be dismissed.

2. In the result, this petition fails and the same is ***dismissed in limine***. No order as to costs.

UMESH/-

(NIRZAR S. DESAI,J)