



2026:DHC:5491-DB



\$~67

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 8960/2026 & CM APPL. 41983/2026, CM APPL. 41984/2026

UNION OF INDIAPetitioner
Through: Mr. Ankit Raj, SPC with Mr. Saurabh Mishra, Adv.

versus

PREETI VAID AND ANRRespondents
Through: Mr. R.K. Handoo, Adv.

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE VINOD KUMAR

JUDGMENT (ORAL)
08.07.2026

%

C. HARI SHANKAR, J.

1. By notice dated 23 December 2021, the Staff Selection Commission¹ invited applications for the Combined Level Graduate Examination 2021² for recruitment to posts reserved for Persons with Disabilities³.

2. The respondent suffers from multiple sclerosis of the brain with low vision in both eyes. She is in possession of a disability certificate dated 5 October 2021 issued by the Department of Empowerment of

¹ "the SSC" hereinafter

² "CGLE" hereinafter

³ "PwD" hereinafter



2026:DHC:5491-DB



Persons with Disabilities⁴, which reads as under:

“Department of Empowerment of Persons with Disabilities,
Ministry of Social Justice and Empowerment, Government of India

Disability Certificate

(In case of multiple disability)

Issuing Medical Authority, Jammu, Jammu And Kashmir

Certificate No.: JK2110119900029151

Date: 05/10/2021

This is to certify that I/We have carefully examined Kum. Preeti Vaid Daughter of Shri Gopal Datt Sharma Date of Birth 10/12/1990 Age 29 Year(s) Female, Registration No. 0709/00000/2002/3567184 resident of the 138 Panjtirthi, Jammu-180001 Sub District Jammu District Jammu State /UTs Jammu And Kashmir

Whose photograph is affixed above, and I/We satisfied that:

(A) She is a case of Multiple Disability. Her extent of physical Impairment/disability has been evaluated as per guidelines (to be specified) for the disabilities ticked below, and shown against the relevant disability table below.

SNO.	Disability	Affected Part of Body	Diagnosis	Permanent physical impairment/ mental disability (In %)
1	Low Vision	BOTH EYES	LEFT OPTIC NEUROPATHY WITH VA:6/36 L/E RAPD, DISC PALLOR OPTIC ATROPHY	15%
2	Multiple Sclerosis	BRAIN	A CASE OF DEMYELINATING LESION WITH LEFT OPTIC NEUROPATHY	30%

(B) In the light of the above her overall physical impairment as per guidelines (to be specified) is as follows.

⁴ “DEPwD” hereinafter



2026:DHC:5491-DB



In figures 40%
In words Forty percent

2. This condition is non-progressive.
3. Re-assessment of disability is:
(I) not recommended,

4. The applicant has submitted the following document(s) as proof of residence:-

Nature of Document(s): Electricity Bill (not older than last three months).

Sd/-

Signature/Thumb impression of the Person With Disability

Sd/-

Signature of notified Medical Authority Member”

3. As per the above certificate, it is clear that the cumulative disability from which the respondent is certified as suffering totalled to 45%, which is above the threshold of 40% which would entitle the respondent to reservation for appointment in government service.

4. The respondent underwent a selection process. She cleared all tiers of the selection process successfully and was called for document verification on 31 January 2023. At that stage, her candidature was rejected. The reason for rejection was stated thus:

“Multiple Sclerosis Disease not admissible for reservation.”

5. On 13 May 2023, the final result was declared, in which the name of the respondent did not figure.

6. Aggrieved thereby, the respondent instituted OA 1289/2023



before the Central Administrative Tribunal⁵, challenging the decision to treat her as ineligible for reservation as a PwD and, therefore, praying that the petitioner be directed to appoint her against a PwD vacancy.

7. The Tribunal, by judgment dated 12 December 2025, has allowed the OA.

8. Aggrieved thereby, the SSC has approached this Court by means of the present writ petition.

9. We have heard Mr. Saurabh Mishra, learned Counsel appearing on behalf of Mr. Ankit Raj, learned SPC and Mr. R.K. Handoo, learned Counsel for the respondent.

10. The limited issue which arises for consideration is whether the respondent is entitled to the benefit of reservation as a PWD. The reasoning of the Tribunal is reflected in the following paragraphs from the impugned judgment:

“6.1 Here the short issue is whether Multiple Sclerosis of Brain is included as one of the disabilities for considering benchmark disability for reservation for PWD candidates. The corollary to this issue is whether the disability certificate issued to the present candidate is as per the PWD Act, 2016 entitling the present applicant to get reservation against posts reserved for PWD candidates.

6.2 It is worthwhile to revisit Section 34(1)(e) of the PWD Act, 2016 which reads:

“(e) multiple disabilities from amongst persons under clauses (a) to (d) including deaf-blindness in the posts

⁵ “the Tribunal” hereinafter



identified for each disabilities.”

It implies that Clause (e) has to be read with other Clauses under section 34(1). Clause (d) refers to mental illness and clause (a) refers to blindness and low vision. It implies that a person may suffer from a combination of disabilities from (a) to (d) and if the disabilities confirm to 40%, then these can be covered as benchmark disability. The disability certificate issued to the present applicant by competent Medical Authority (Annexure-A3) states that the present Applicant has low vision with impairment to the extent of 15% and Multiple Sclerosis to the extent of 30% impairment. The medical authorities certified that the overall physical disability is 40%.

6.3 Now the question arises whether Multiple Sclerosis is qualified to be included in the disabilities to be included in the disabilities for determining benchmark disability. The learned counsel for the applicant has referred to Schedule (2) of the RPWD Act, 2016, where Clause 4 has defined various types of disabilities. Clause 4(i) states:

“Disability caused due to—

(a) chronic neurological conditions, such as—

(i) “multiple sclerosis” means an inflammatory, nervous system disease in which the myelin sheaths around the axons of nerve cells of the brain and spinal cord are damaged, leading to demyelination and affecting the ability of nerve cells in the brain and spinal cord to communicate with each other.

The website of WHO states:

“Multiple sclerosis (MS) is a condition that happens when the immune system attacks the brain and spinal cord.

Symptoms of MS vary from person to person and depend on the location and severity of nerve fibre damage. These often include vision problems, tiredness, trouble walking and keeping balance. and numbness or weakness in the arms and legs. Symptoms can come and go or last for a long time.”

Further, the WHO website states:

“Neurodevelopmental disorders

Neurodevelopmental disorders are behavioural and cognitive disorders that arise during the developmental period and involve significant difficulties in the acquisition



2026:DHC:5491-DB



and execution of specific intellectual, motor, language, or social functions.

Neurodevelopmental disorders include disorders of intellectual development, autism spectrum disorder, and attention deficit hyperactivity disorder [ADHD] amongst others.”

Source:<https://www.who.int/news-room/factsheets/detail/mental-disorders>.

(Accessed at 8.32 am on 11.12.2025)”

11. Having perused the impugned judgment and heard learned Counsel for the parties, we are of the view that no cause for interference with the impugned judgment, within the parameters of Article 226 of the Constitution of India, exists.

12. The basic contention of Mr. Saurabh Mishra is that multiple sclerosis is not one of the ailments envisaged in clauses (a) to (d) of Section 34 (1) of the RPWD Act, 2016⁶ and that, if multiple sclerosis were to be excluded, the respondent would not satisfy the necessary requirement of 40% disability for the purposes of Section 34(1) (a), in order to entitle the respondent for reservation.

13. Equally, it is not in dispute that, if the multiple sclerosis is one of the ailments which falls within Section 34(1), the respondent *would* be entitled to reservation as, combining the degree of disability suffered by her on account of multiple sclerosis and low vision, the disability is 45%, which is above the limit of 40%.

⁶ The Rights of Persons with Disabilities Act



2026:DHC:5491-DB



14. We have considered, with due earnestness, Mr. Mishra's contention that multiple sclerosis does not fall within any of the clauses (a) to (d) of Section 34(1). He submits that, if it did, it would have certainly found mention therein.

15. This submission, on its face, cannot be accepted. Clauses (a) to (d) of Section 34(1) specified the *categories* of disabilities and not any individual ailment.

16. If one vivisects Section 34(1), it breaks into two parts. The first part of Section 34(1) incorporates a statutory obligation on the establishment to reserve not less than 4% of the total vacancies in the cadre strength for "persons with benchmark disability". The second part of Section 34(1) proceeds to explain how to divide this 4% amongst various categories of disabilities.

17. We are of the view that the second part of Section 34(1) cannot limit the width and amplitude of the first part of Section 34(1). In other words, it is a solemn obligation of the establishment to reserve 4% of the vacancies in the cadre strength for persons with benchmark disability.

18. "Persons with benchmark disability" is defined in Section 2(r) of the RPWD Act as a person with not less than 40% of a specified disability.

19. "Specified disability" is further defined in Section 2(z)(c) as meaning the disabilities as specified in the Schedule to the RPWD



Act.

20. Multiple sclerosis is specifically a disability mentioned in Clause 4(a)(i) of the Schedule to RPWD Act. We may reproduce Clause 4 of the Schedule thus:

“4. Disability caused due to—

(a) chronic neurological conditions, such as—

(i) “multiple sclerosis” means an inflammatory, nervous system disease in which the myelin sheaths around the axons of nerve cells of the brain and spinal cord are damaged, leading to demyelination and affecting the ability of nerve cells in the brain and spinal cord to communicate with each other;”

21. Inasmuch as (i) multiple sclerosis is a disability which is specifically envisaged in the Schedule to the RPWD Act, (ii) multiple sclerosis is, therefore, a “specified disability” within the meaning of Section 2(z)(c) and (iii) a person suffering from multiple sclerosis is, therefore, a “person with benchmark disability” within the meaning of Section 2(r), it cannot be disputed that the respondent is a person with benchmark disability by a combined reading of clause 4(a)(i) and 5⁷ of the RPWD Act.

22. Clearly, therefore, by operation of the first part of Section 34(1) of the RPWD Act, persons with multiple sclerosis, who either have 40% disability owing to multiple sclerosis or 40% disability owing to multiple sclerosis along with any other specified disability, be entitled

⁷ 5. Multiple Disabilities (more than one of the above specified disabilities) including deaf blindness which means a condition in which a person may have combination of hearing and visual impairments causing severe communication, developmental, and educational problems.



to reservation.

23. We are clear that the second part of Section 34(1) cannot be so read as to reduce the width of the first part and exclude, from the operation of Section 34, a person suffering from benchmark disability. Even otherwise, the Supreme Court has, in **Vikash Kumar v. UPSC**⁸, **Ravinder Kumar Dhariwal v. Union of India**⁹ and **In Re: Recruitment of Visually Impaired in Judicial Services**¹⁰ clearly held that courts have to interpret the provisions of the RPWD Act keeping in mind the philosophy of the statute and with a view to include as many persons who suffer from disability within the scope of the statute as possible. A restrictive interpretation of a provision of RPWD Act is against the very grain of the statute.

24. We are, therefore, of the opinion that the interpretation provided by the Tribunal besides being in sync with the philosophy of the RPWD Act, is unexceptionable.

25. Further, “mental illness” is specifically included in Clause 34(1)(d) of the RPWD Act. “Mental illness” is defined in Schedule to the RPWD Act, thus:

“3. Mental behaviour,— “mental illness” means a substantial disorder of thinking, mood, perception, orientation or memory that grossly impairs judgment, behaviour, capacity to recognise reality or ability to meet the ordinary demands of life, but does not include retardation which is a condition of arrested or incomplete development of mind of a person, specially characterised by subnormality of intelligence.”

⁸ (2021) 5 SCC 370

⁹ (2023) 2 SCC 209

¹⁰ 2025 SCC OnLine SC 481



2026:DHC:5491-DB



26. The impugned judgment of the Tribunal has relied on authoritative material published by the WHO, which clearly opines that neurodevelopment disorders include behavioural and cognitive disorders, which also include significant difficulties in the acquisition and execution of specific intellectual, motor, language or social functions. Applying this interpretation to the expression “mental illness” in the light of the philosophy of the RPWD Act, we find no error in the view adopted by the Tribunal that a person suffering from multiple sclerosis, which is at the very least a neurodevelopmental disorder, can also be treated as a person with “mental illness” for the purposes of Section 34(1) of the RPWD Act.

27. We are supported in the view that we have taken from the manner in which the advertisement was issued by the SSC.

28. Annexure XIV to the advertisement issued by the SSC, pursuant to which the respondent applied, reads thus:

“Form - VI
Certificate of Disability
(In cases of multiple disabilities)
[See rule 18(1)]
(Name and Address of the Medical Authority issuing the
Certificate)

Recent passport size
attested photograph
(Showing face only) of
the person with
disability.

Certificate No.

Date:



2026:DHC:5491-DB



This is to certify that we have carefully examined
Shri/Smt./Kum. _____ son/wife/daughter
of Shri _____ Date of Birth
(DD/MM/YY) _____ Age _____ years,
male/female _____.

Registration No. _____ permanent resident
of House No. _____ Ward/Village/Street _____ Post
Office _____ District _____ State _____,
whose photograph is affixed above, and am satisfied that:

(A) he/she is a case of Multiple Disability. His/her extent of
permanent physical impairment/disability has been evaluated as per
guidelines (.....number and date of issue of the
guidelines to be specified) for the disabilities ticked below, and is
shown against the relevant disability in the table below:

S. No	Disability	Affected part of body	Diagnosis	Permanent physical impairmen t/mental disability (in %)
1.	Locomotor disability	@		
2.	Muscular Dystrophy			
3.	Leprosy cured			
4.	Dwarfism			
5.	Cerebral Palsy			
6.	Acid attack Victim			
7.	Low vision	#		
8.	Blindness	#		
9.	Deaf	£		
10.	Hard of Hearing	£		
11.	Speech and Language disability			
12.	Intellectual Disability			
13.	Specific Learning Disability			
14.	Autism Spectrum Disorder			
15.	Mental illness			
16.	Chronic Neurological Conditions			



2026:DHC:5491-DB



17.	<i>Multiple sclerosis</i>			
18.	Parkinson's disease			
19.	Haemophilia			
20.	Thalassemia			
21.	Sickle Cell disease			

(B) In the light of the above, his/her over all permanent physical impairment as per guidelines (.....number and date of issue of the guidelines to be specified), is as follows:

In figures: ----- percent

In words:----- percent

2. This condition is progressive/non-progressive/likely to improve/not likely to improve.

3. Reassessment of disability is:

(i) not necessary,
Or

(ii) is recommended/after years months, and therefore this certificate shall be valid till ---- -
--- ----

(DD) (MM) (YY)

@ e.g. Left/right/both arms/legs

e.g. Single eye

£ e.g. Left/Right/both ears

4. The applicant has submitted the following document as proof of residence:

Nature of document	Date of issue	Details of authority issuing certificate

5. Signature and seal of the Medical Authority.

Name and seal of member	Name and seal of member	Name and seal of the Chairperson

Signature/thumb impression of the person in whose favour certificate of disability is issued.



2026:DHC:5491-DB



29. Thus, even the advertisement issued by the petitioner, in Annexure XIV, included, at S. No. 17, “multiple sclerosis” as one of the disabilities which would entitle a candidate applying to reservation. Mr. Mishra has drawn our attention to Clause 6.1 of the advertisement which reads thus:

“6.1 Candidates who wish to be considered against reserved vacancies or seek age relaxation must submit requisite certificate from the competent authority, in the prescribed format when such certificates are sought by concerned Regional Offices at the time of Skill Test/Document Verification. Otherwise, their claim for SC/ ST/ OBCI EWS/ PwD/ ESM category will not be entertained and their candidature/application will be considered under Unreserved (UR)/ relevant category. The formats of the certificates are annexed with the Notice of this Examination. The certificate of disability issued under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996) will also be valid. Certificates in any other format are liable to be rejected.”

30. Clause 6.1 of the advertisement, if anything, supports the view that Tribunal has taken. The first part of Clause 6.1 requires the candidate to submit their applications in the formats specified therein. The formats of the certificates which are to accompany the application are also, therefore, part of the advertisement itself. Accordingly, the advertisement also envisages multiple sclerosis as one of the disabilities which would entitle the candidate to the benefit of the RPWD Act.

31. Clause 6.1 proceeds further to observe that the certificate of disability issued under the RPWD Act would be valid. To our mind, even this clause clinches the issue. By virtue of this clause, the SSC cannot go behind the certificate issued by the competent authority



2026:DHC:5491-DB



under the RPWD Act. It is not in dispute that the respondent is in possession of a certificate issued by the authority under the RPWD Act, certifying that the respondent is suffering from cumulative disability of 45%, of which 30% is attributable to multiple sclerosis.

32. The said certificate would also, therefore, read with Clause 6.1 of the advertisement, entitle the respondent to the benefit of Section 34 of the RPWD Act.

33. In that view of the matter, we concur with the Tribunal that the cancellation of the respondent's candidature is not in accordance with the law. The Tribunal has therefore rightly set aside the cancellation and directed consequential reliefs.

34. We, therefore, find no cause to interfere with the present writ petition, which is dismissed in *limine*.

C. HARI SHANKAR, J.

VINOD KUMAR, J.

JULY 8, 2026/dsn