



2026:KER:53997

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE HARISANKAR V. MENON

MONDAY, THE 20TH DAY OF JULY 2026 / 29TH ASHADHA, 1948

WP(C) NO. 1156 OF 2026

PETITIONER:

ANJU MARY FRANCIS,
AGED 21 YEARS, D/O. FRANCIS K.J.,
RESIDING AT KOCHIKKARAN VEEDU, ERAM MIDDLE,
KARAMCODE P.O., KOLLAM, PIN - 691579.

BY ADVS.

SRI.C.V.MANUVILSAN

SRI.O.A.ANJU

SMT.ALANA MOHAMMED ALI CHOLASSERY

SMT.RIYA RAJ

RESPONDENTS:

- 1 KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY ITS SECRETARY, OFFICE AT
THULASI HILLS, PATTOM PALACE P.O.,
THIRUVANANTHAPURAM, PIN - 695004.
- 2 THE STATE COMMISSIONER FOR PERSONS WITH
DISABILITIES, STATE COMMISSIONERATE FOR
PERSONS WITH DISABILITIES, ANJENEYA,
T.C-9/1023(1) GROUND FLOOR, SASTHAMANGALAM,
THIRUVANANTHAPURAM, PIN - 695010.
- 3 STATE OF KERALA,
REPRESENTED BY ITS SECRETARY, SOCIAL JUSTICE

W.P.(C) No.1156 of 2026



2026:KER:53997

DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001.

4 KERALA PUBLIC SERVICE COMMISSION,
DISTRICT OFFICE, KOLLAM AT THE CORPORATION
BUILDING, ANDAMUKKAM, KOLLAM, REPRESENTED
BY ITS SECRETARY, PIN - 691001.

BY ADVS.

SRI.P.C.SASIDHARAN, SC, KPSC

SRI.BALAPRASANNAN, GOVERNMENT PLEADER.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20.07.2026, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



J U D G M E N T

This writ petition has been presented by a 21-year-old woman, with a certified intellectual disability of 25%, and hence falling under the provisions of Section 2(s) of the Rights of Persons with Disabilities (RPwD) Act, 2016, (hereinafter referred to as 'the Act'). The petitioner states that, she applied for selection to the post of LD Typist, notified by the respondent Kerala Public Service Commission (KPSC), and that she has not been extended the benefit of a "scribe" as provided under the provisions of the Act. According to the petitioner, this facility has been denied to the petitioner only because she does not fall within the category of persons with benchmark disability having 40% disability within the meaning of the said term under Section 2(r) of the Act and according to the respondent KPSC, it is only in such circumstances that the benefit of the scribe could be claimed. The petitioner has, in such circumstances, instituted the captioned writ petition, seeking the following reliefs;

- "i. Issue a writ of mandamus or other appropriate writ, order or direction, commanding the 1st Respondent Kerala Public Service Commission to recognise the



Petitioner's eligibility for the facility of a scribe in all future examinations, on the basis of her existing Disability Certificate and certified writing limitation, without insisting upon the benchmark disability threshold;

- ii. Declare that the denial of the scribe facility to the Petitioner by the 1st Respondent amounts to a violation of Articles 14 and 21 of the Constitution of India, and is contrary to the provisions of the Rights of Persons with Disabilities Act, 2016, as well as the binding guidelines issued by the Government of India;
- iii. Issue a writ of certiorari or other appropriate writ, order or direction, quashing any clause, instruction, guideline, or internal practice of the 1st Respondent to the extent that it mandates benchmark disability ($\geq 40\%$) as a precondition for availing scribe facility in public examinations;
- iv. Direct the 2nd and 3rd Respondents to frame and implement uniform guidelines across examination authorities in Kerala for the provision of scribe assistance to persons with disabilities below 40%, in line with the Government of India's Office Memoranda dated 10.08.2022 and 01.08.2025 and the judgment of the Hon'ble Supreme Court in *Vikash Kumar v. UPSC*, (2021) 5 SCC 370;
- v. Issue a writ of mandamus or other appropriate writ, order or direction directing the 2nd Respondent – State Commissioner for Persons with Disabilities to consider,



hear, and dispose of the Petitioner's Representation dated 12.11.2025 (EXHIBIT P-8) in accordance with law, within a time frame to be fixed by this Hon'ble Court."

2. I have heard Sri.C.V.Manuvilsan, the learned counsel for the petitioner, as well as Sri.P.C.Sasidharan, the learned Standing Counsel for the respondent KPSC.

3. The learned counsel for the petitioner sought to place reliance on the principles laid down by the Apex Court in ***Vikash Kumar v. Union Public Service Commission and Ors. [(2021) 5 SCC 370]***, as well as ***Gulshan Kumar v. Institute of Banking Personnel Selection [(2025) 4 SCC 90]***, in support of his contentions. According to him, going by the principles laid down in the afore cases, the benefits are required to be extended even with respect to cases falling under Section 2(s) of the Act, and are not limited to the cases falling under Section 2(r) of the Act.

4. *Per contra*, the learned Standing Counsel for the respondent KPSC, sought to place reliance on the office memorandum at Ext.P6 issued by the Government of India,



pursuant to the judgment of the Apex Court in **Vikash Kumar** (*supra*) to state that the afore guidelines are applicable only as regards the written examinations conducted by the Union, and as regards the States, they have to adopt the guidelines or issue similar guidelines for maintaining uniformity. The learned Standing Counsel further points out that, pursuant to Ext.P6, Circular No.33 of 2022 has been issued, about which, a reference has been made in paragraph No.5 of the counter affidavit filed by the respondent KPSC. The learned Standing Counsel would state that, even going by the afore Circular, which has been extracted in paragraph No.5 of the counter affidavit, it is only in cases covered by Section 2(r) of the Act, the scribe facility can be extended.

5. I have considered the rival contentions as well as the connected records.

6. The fact that the petitioner falls under the provisions of Section 2(s) of the Act alone is not in dispute. Hence, the only question to be considered is as to whether the facility of a scribe could be denied to her merely because she does not fall under the provisions of Section 2(r) of the Act.



7. The Apex Court has considered the very same question in **Vikash Kumar** (*supra*), holding that the facility of providing a scribe is a statutory mandate so as to ensure persons with disabilities are able to live a life of equality and dignity and to confine the facility only to those having benchmark disabilities alone would be against the spirit of the statute. It is in tune with the afore, Ext.P6 office memorandum has also been issued by the Government of India, providing for the benefit of scribes. The fact that the Government of India has also issued Ext.P6 is also admitted by the respondent KPSC, however, adding that the Circular referred to in the counter affidavit does not permit them to provide the benefit of a scribe to cases not covered under Section 2(r) of the Act.

8. In my opinion, in the light of the principles laid down by the Apex Court and in the light of the office memorandum at Ext.P6, the respondent KPSC is not justified in contending that merely on the basis of the contents of Circular No.33 of 2022, an otherwise eligible claim for a scribe is not to be denied to the petitioner herein.



Hence, I am of the opinion that the petitioner is entitled to succeed. Therefore, this writ petition would stand disposed of, directing the respondents to extend the benefit of a scribe, with respect to various examinations to which the petitioner files an appropriate application.

Sd/-
HARISANKAR V. MENON
JUDGE

anm



APPENDIX OF WP(C) NO. 1156 OF 2026

PETITIONER'S EXHIBITS

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| Exhibit P1 | A TRUE PHOTOCOPY OF THE DISABILITY CERTIFICATE DATED 12.07.2022 ISSUED BY THE DISTRICT MEDICAL BOARD, KOLLAM. |
| Exhibit P2 | A TRUE PHOTOCOPY OF THE ADMISSION TICKET ISSUED TO THE PETITIONER FOR THE EXAMINATION HELD ON 22.10.2025. |
| Exhibit P3 | A TRUE PHOTOCOPY OF THE CERTIFICATE REGARDING PHYSICAL LIMITATION TO WRITE DATED 28.10.2025. |
| Exhibit P4 | A TRUE PHOTOCOPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER TO THE KERALA PUBLIC SERVICE COMMISSION. |
| Exhibit P5 | A TRUE PHOTOCOPY OF THE RELEVANT INSTRUCTIONS DENYING THE SCRIBE FACILITY TO NON-BENCHMARK DISABLED CANDIDATES ISSUED IN CONNECTION WITH THE EXAMINATION. |
| Exhibit P6 | A TRUE PHOTOCOPY OF THE GOVERNMENT OF INDIA OFFICE MEMORANDUM DATED 10.08.2022. |
| Exhibit P7 | A TRUE PHOTOCOPY OF THE GOVERNMENT OF INDIA ORDER DATED 01.08.2025. |
| Exhibit P8 | A TRUE PHOTOCOPY OF THE COMPLAINT/ REPRESENTATION DATED 12.11.2025 SUBMITTED BY THE PETITIONER BEFORE THE STATE COMMISSIONER FOR PERSONS WITH DISABILITIES. |