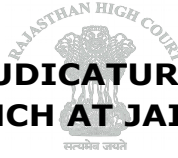




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



D.B. Civil Writ Petition No. 780/2026
CNR: RJHC020043592026 | URN: CW / 1665U / 2026

Naina Agarwal D/o Shri Gajendra Kumar Singhal, Aged About 27 Years, Permanent Resident of Singhal Bhawan Nagar Colony, Dausa, Rajasthan.

----Petitioner

Versus

1. Rajasthan High Court, Jodhpur, Through Registrar General, Rajasthan High Court- New Building, Dangiawas Bypass, Jodhpur, Rajasthan 342001.
2. The Registrar (Examination), Rajasthan High Court, Jodhpur, Rajasthan High Court- New Building, Dangiawas Bypass, Jodhpur, Rajasthan 342001.
3. Shubham Singla S/o Raj Singla, Through Registrar General, Rajasthan High Court- New Building, Dangiawas Bypass, Jodhpur, Rajasthan 342001.
4. Hardik Kaushal S/o Vineet Kaushal, Through Registrar General, Rajasthan High Court- New Building.

----Respondents

Connected With

D.B. Civil Writ Petition No. 1322/2026
CNR: RJHC020060882026 | URN: CW / 2834U / 2026

Sangeeta D/o Shri Azad, Aged About 25 Years, Resident of 140, Lakhna Patti, Village Pahlwan, Jind (125115) Haryana.

----Petitioner

Versus

1. Rajasthan High Court, Jodhpur Through Registrar. General, Rajasthan High Court New Building, Dangiawas Bypass, Jodhpur, Rajasthan 342001.
2. The Registrar (Examination), Rajasthan High Court, Jodhpur, Rajasthan High Court New Building, Dangiawas Bypass, Jodhpur, Rajasthan 342001.
3. Shubham Singla S/o Raj Singla, Through Registrar General, Rajasthan High Court New Building, Dangiawas Bypass, Jodhpur, Rajasthan 342001.
4. Hardik Kaushal S/o Vineet Kaushal, Through Registrar



General, Rajasthan High Court New Building.

----Respondents

For Petitioner(s) : Ms. Sara Parveen
For Respondent(s) : Mr. Vishnu Kant Sharma

HON'BLE THE ACTING CHIEF JUSTICE MR. SANJEEV PRAKASH SHARMA
HON'BLE MR. JUSTICE CHANDRA SHEKHAR SHARMA

Order

14/08/2026

1. The short contention of the learned counsel appearing for the petitioners before us in these petitions is that, on account of including the backlog posts for persons with disability, the total number of vacancies which arose in the year 2025 have been reduced for the General Category candidates, and their posts have been given to the disabled category persons, although by filling the backlog posts.

2. Learned counsel appearing on behalf of the petitioners submits that, resultantly, the petitioners who were higher in merit in General Category were left out from selection. So far as the reservation for persons having disabilities is concerned, keeping in view the provisions of the Rights of Persons with Disabilities Act, 2016 (for short 'Act of 2016') and the earlier Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, the posts have to be earmarked for persons with disabilities. The candidates applying under the said category would be awarded the post by treating it to be horizontal reservation. Resultantly, any disabled category person would fill up the post on the basis of the category to which he belongs which is



of vertical nature. Thus, a person from General Category will take up one post of General Category if he is also a disabled person and even though he may be lesser in merit, he would fill up the said post of General Category. Similarly, a person of disabled category belonging to SC or ST Category would take away one post from that category even if he or she is lesser in merit.

3. The grievance of the petitioners of not being selected is understandable but at the same time the law is settled. The Hon'ble Apex Court in the case of "**Anil Kumar Gupta & Ors. vs. State of U.P. & Ors.**" (1995) 5 SCC 173 held as under :

"15. On a careful consideration of the revised notification of 17-12-1994 and the aforementioned corrigendum issued by the Lucknow University, we are of the opinion that in view of the ambiguous language employed therein, it is not possible to give a definite answer to the question whether the horizontal reservations are overall reservations or compartmentalised reservations. We may explain these two expressions. Where the seats reserved for horizontal reservations are proportionately divided among the vertical (social) reservations and are not intertransferable, it would be a case of compartmentalised reservations. We may illustrate what we say: Take this very case; out of the total 746 seats, 112 seats (representing fifteen percent) should be filled by special reservation candidates; at the same time, the social reservation in favour of Other Backward Classes is 27% which means 201 seats for O.B.Cs.; if the 112 special reservation seats are also divided proportionately as between O.C., O.B.C., S.C. and S.T., 30 seats would be allocated to the O.B.C. category; in other words, thirty special category students can be accommodated in the O.B.C. category; but say only ten special reservation candidates belonging to O.B.C. are available, then these ten candidates will, of course, be allocated among O.B.C. quota but the remaining twenty seats cannot be transferred to O.C. category (they will be available for O.B.C. candidates only) or for



that matter, to any other category; this would be so whether requisite number of special reservation candidates (56 out of 373) are available in O.C. category or not; the special reservation would be a water tight compartment in each of the vertical reservation classes (O.C., O.B.C., S.C. and S.T.). As against this, what happens in the over-all reservation is that while allocating the special reservation students to their respective social reservation category, the over-all reservation in favour of special reservation categories has yet to be honoured. This means that in the above illustration, the twenty remaining seats would be transferred to O.C. category which means that the number of special reservation candidates in O.C. category would be $56+20=76$. Further, if no special reservation candidate belonging to S.C. and S.T. is available then the proportionate number of seats meant for special reservation candidates in S.C. and S.T. also get transferred to O.C. category. The result would be that 102 special reservation candidates have to be accommodated in the O.C. category to complete their quota of 112. The converse may also happen, which will prejudice the candidates in the reserved categories. It is, of course, obvious that the inter se quota between O.C., O.B.C., S.C. and S.T. will not be altered."

4. The view was again reiterated by the Hon'ble Apex Court while explaining the law of filling up the posts by way of horizontal and vertical reservation in the case of "**Rajesh Kumar Daria vs. Rajasthan Public Service Commission & Ors.**" (2007) 8 SCC 785, where the issue was with regards to filling up the posts for women reservation as against General Category. The same was explained in Para No.9 of the judgment which reads as under:

"9.The second relates to the difference between the nature of vertical reservation and horizontal reservation. Social reservations in favour of SC, ST and OBC under Article 16(4) are "vertical reservations". Special reservations in favour of physically handicapped, women, etc., under Articles 16(1) or 15(3) are "horizontal reservations". Where a vertical reservation is made in favour of a Backward Class under Article



16(4), the candidates belonging to such Backward Class, may compete for non-reserved posts and if they are appointed to the non-reserved posts on their own merit, their number will not be counted against the quota reserved for respective Backward Class. Therefore, if the number of SC candidates, who by their own merit, get selected to open competition vacancies, equals or even exceeds the percentage of posts reserved for SC candidates, it cannot be said that the reservation quota for SCs has been filled. The entire reservation quota will be intact and available in addition to those selected under open competition category. (Vide *Indra Sawhney, R.K. Sabharwal v. State of Punjab, Union of India v. Virpal Singh Chauhan and Ritesh R. Sah v. Dr. Y.L. Yamul*. But the aforesaid principle applicable to vertical (social) reservations will not apply to horizontal (special) reservations. Where a special reservation for women is provided within the social reservation for Scheduled Castes, the proper procedure is first to fill up the quota for Scheduled Castes in order of merit and then find out the number of candidates among them who belong to the special reservation group of "Scheduled Caste women". If the number of women in such list is equal to or more than the number of special reservation quota, then there is no need for further selection towards the special reservation quota. Only if there is any shortfall, the requisite number of Scheduled Caste women shall have to be taken by deleting the corresponding number of candidates from the bottom of the list relating to Scheduled Castes. To this extent, horizontal (special) reservation differs from vertical (social) reservation. Thus women selected on merit within the vertical reservation quota will be counted against the horizontal reservation for women. Let us illustrate by an example:

If 19 posts are reserved for SCs (of which the quota for women is four), 19 SC candidates shall have to be first listed in accordance with merit, from out of the successful eligible candidates. If such list of 19 candidates contains four SC woman candidates, then there is no need to disturb the list by including any further SC woman candidate. On the other hand, if the list of 19 SC candidates contains only two woman candidates, then the next two SC woman candidates in accordance with merit, will



have to be included in the list and corresponding number of candidates from the bottom of such list shall have to be deleted, so as to ensure that the final 19 selected SC candidates contain four woman SC candidates. (But if the list of 19 SC candidates contains more than four woman candidates, selected on own merit, all of them will continue in the list and there is no question of deleting the excess woman candidates on the ground that "SC women" have been selected in excess of the prescribed internal quota of four.)."

5. In the case of "**Govt. of India Through Secretary & Anr. vs. Ravi Prakash Gupta & Anr.**" (2010) 7 SCC 626, the Hon'ble Apex Court was examining the question with regard to the vacancies, which were reserved for the disabled and could not be filled in that particular year, were to carry forward for two years whereafter they were to lapse. However, in that case, since the post had not been earmarked, the question did not arise for adjudication. However, in the present case, we notice that the rules provide for carrying forward the post as backlog post.
6. In view of above, in Judicial Services, as and when a post relating to disabled category could not be filled, the same has been filled from the respective categories namely; General, OBC or SC/ST. However, such filling of the posts by General Category would not deprive the quota of the disabled category and the same would be treated as a backlog for the next recruitment year.
7. In the advertisement specifically the backlog of the earlier recruitment years was mentioned. In all, there were 8 posts of disabled category which were required to be filled in the present selections. From the select list, we find that 7 of them have been able to take one post each, and one post still lies vacant.



8. Be that as it may, so far as the petitioners are concerned, though they may have secured higher marks but will have to give way to a disabled category person who is entitled for 4% of the total posts in terms of the Act of 2016.

9. In view thereof, no case is made out. These Civil Writ Petitions are accordingly dismissed.

10. All pending applications stand disposed of.

11. A copy of this order be placed in the connected file.

(CHANDRA SHEKHAR SHARMA),J (SANJEEV PRAKASH SHARMA),ACTING CJ