

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 6021/2026

Aman S/o Hanuman Sahay Kumhar

----Petitioner

Versus

The State Of Rajasthan

----Respondent

For Petitioner(s)	:	Ms. Pragya Seth with Mr. Shreyansh Dhanwal, Mr. Akshit Gupta, Mr. Kamalesh Sharma, Mr. Nakul Bansal and Mr. Pallav Pancholi
For Respondent(s)	:	Mr. Vigyan Shah, AAG assisted by Ms. Tanvisha Pant Mr. M.F. Baig with Mr. Abu Bakar Tak

HON'BLE MR. JUSTICE RAVI CHIRANIA

Order

30/04/2026

1. In the present case, this Court on 10.04.2026 noted the serious issue with regard to the examination of physical disability of the candidates and in order to resolve the issue and also to have a proper system in place, on the advice of learned Additional Advocate General, for assistance of the Court on the above issue, certain officers were directed to remain present before this Court. On 29.04.2026, this Court, after detailed deliberations with learned Additional Advocate General, Mr. Vigyan Shah and the officers as present, noted few things and the matter was kept for today, i.e., 30.04.2026 for giving suggestions for resolving the issue, on the basis of above deliberation.
2. Learned Additional Advocate General has made certain submissions today, i.e., 30.04.2026. The suggestions as given

shows that the State Government is also seriously concerned about putting in place a proper system for examination of physical disability of aspiring candidates under the new recruitment process as well as those already in the services of the State whose disability is under question. As a lot of cases are coming up before this Court and various discrepancies and serious variations have been noted by the candidates as well as the Government Department and, therefore, the officers as were present before this Court on 29.04.2026, have given few suggestions through learned Additional Advocate General. The suggestions given by learned Additional Advocate General, Mr. Vigyan Shah are reproduced hereunder:-

**"SUGGESTIONS BY MEDICAL EDUCATION
DEPARTMENT**

1. *The verification of the disability certificate can be done as per the guidelines provided by the State Government/ concerned authorities deciding standards of evaluation applicable on the date of issuance of certificate.*
2. *A Disability Verification Board will be constituted at the Medical College and attached hospital of all seven divisional headquarters (Jaipur, Jodhpur, Ajmer, Bikaner, Kota, Udaipur and Bharatpur). All these divisional HQ Medical Colleges will be equipped with all essential standard equipment required to assess all types of disability as specified in the Gazette of India issued by the Department of Social Justice and Empowerment, Government of India, time to time.*

3. *All required specialists, will be available at above divisional headquarter level in Medical College/hospitals to verify the concerned disability.*
4. *The Principal or Medical Superintendent (MS) of the concerned Medical College will constitute the Verification Board (consisting of Assistant professor or higher post) for assessing disabilities.*
5. *An appellate verification medical board will be constituted above the Divisional HQ level Medical College/attached hospital under the chairmanship of the Additional Principal/ Medical Superintendent. Members of appellate board will hold higher posts than those on the initial verification Board.*

SUGGESTIONS BY DEPARTMENT OF PERSONNEL, GOVERNMENT OF RAJASTHAN

1. Procedure for ongoing and future recruitments:

The concerned recruitment agency will advertise in the ongoing and future recruitments that the disability verification of the candidates selected for document verification from among those who have applied for reservation under the disabled category will be done by a board designated by the Medical Department at the Divisional Headquarters. The disability verification will be done as per the currently prevalent norms. Even if a candidate has already obtained a certificate, the eligibility of the said candidate will be determined on the basis of the certificate issued after examination under the current norms.

If any disabled candidate feels aggrieved/dissatisfied with the certificate issued after investigation by the divisional headquarters, then he/she can appeal to the Appellate Board constituted by the Medical Department for this purpose at the same divisional headquarters.

2. Disability Test in respect of candidates already serving in the State:

During the re-verification process being carried out under the instructions of the Department of Personnel in respect of disabled personnel/officers already employed under the State Government, if cases of variation in the percentage of disability certificate issued earlier are found, the disability eligibility of such personnel/officers will be determined through medical examination for determining disability at the time of selection in the State Service.

The re-verification shall be done only under the norms set by the department. If any employee is dissatisfied with the re-verification of disability, then the employee may be allowed to submit an appeal to the division level appellate board set up by the Medical Education Department as described above. Furthermore, it is proposed to constitute a High Level Committee at the State Level for proper examination of the cases of irregularities identified during the re-verification process.”

3. Learned Additional Advocate General submits that the suggestions are not exhaustive and in order to have a proper system, for handling the issue of medical examination of physical

disability, the State through Department of Personnel, Government of Rajasthan would issue a detailed circular taking care of all the issues discussed before this Court along-with the related issues. Learned Additional Advocate General further submits that, with regard to the standards of assessment of physical disability, methods to be adopted by the Appellate Authority/Forum/Body will be those as were in existence/applicable during the relevant period. In case the candidate is dissatisfied with assessment, he/she will have opportunity to challenge the same.

4. Learned Additional Advocate General further submits that the State is making all efforts to ensure that these matters are resolved at the earliest and the aggrieved persons need not approach this Court. He further submits that, in case variations are found in the medical re-examination of the persons who are already working with the State, the State will follow the principle of natural justice by giving them show-cause notice, taking into consideration their reply, if any filed, and, thereafter, appropriate orders would be passed, so as to remove any kind of apprehension among the employees of the State whose disability is under question.

5. Learned Additional Advocate General submits that a High Level Committee of the State will formulate the complete procedure by way of a necessary circular, etc., within a period of 45 days from the date of passing of this order or even before.

6. This Court appreciates the serious and pro-active approach of the State and its Officers in resolving the issue as taken up by

this Court. It is expected that the necessary circular as stated above would be issued at the earliest and there would be complete infrastructure in place at all Divisional Headquarters and/or at such other places where the candidates would be examined/re-examined for their physical disability.

7. A copy of this Order be separately sent to the concerned Secretaries of the Department, Rajasthan Public Service Commission and Registrar, Rajasthan Staff Selection Board, to do the needful as discussed above.

In S.B. Civil Writ Petition No.6021/2026

1. In the present case, in compliance of the order of this Court, medical re-examination of the petitioner was conducted at All India Institute of Medical Sciences, Jodhpur wherein the physical disability of the petitioner was assessed more than 40%, precisely 42%, and now there is no hurdle, as per the learned counsel for Rajasthan Public Service Commission, in declaring his result.

2. Thus, the respondent- Rajasthan Public Service Commission is directed to declare the result of the petitioner along with other candidates and to do the needful, in case of the petitioner, at par with the other candidates, in accordance with law.

3. List this matter on 06.07.2026.

(RAVI CHIRANIA),J