

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Civil Writ Petition No. 19571/2025

Raghav Sharma S/o Sh. Giriraj Sharma

-----Petitioner

Versus

Rajasthan High Court, through its Registrar General, Jodhpur

-----Respondent

For Petitioner(s)	:	Mr. Sunil Samdaria, Mr. Saurabh Jain Mr. Arihant Samdaria
For Respondent(s)	:	Mr. Vishnu Kant Sharma

HON'BLE MR. JUSTICE SUDESH BANSAL
HON'BLE MR. JUSTICE BHUWAN GOYAL
Order

17/12/2025

1. Petitioner is stated to be suffering with benchmark disability of Deaf and Hard of Hearing and applied for appointment on the post of Civil Judge Cadre, pursuant to Advertisement dated 27.02.2025. After qualifying the preliminary examination, he appeared in the main examination but has not been short listed for interview, on account of not securing the minimum qualifying marks for interview, hence, seeking relaxation in minimum qualifying marks for interview, for the candidates suffering with benchmark disability of Deaf and Hard of Hearing, instant writ petition has been filed.

2. After filing of the writ petition, petitioner has moved an application (I.A. No.1/2025) seeking to amend his writ petition questioning vires of proviso to Rule 24 and first proviso in Schedule-IV of the Rajasthan Judicial Service Rules, 2010, stating *inter alia* that a person with benchmark disability suffers from

greater disadvantage and hardship, hence, deserve more relaxation in minimum qualifying marks and may not be put at par with candidates belonging to SC/ST/Ex-servicemen category.

3. Counsel for the petitioner has placed reliance on an order dated 07.11.2024, passed by the Hon'ble Supreme Court in SMW (C) No(s). 2/2024: **In Re: Recruitment of Visually Impaired in Judicial Services**, wherein Hon'ble Supreme Court issued general directions to govern the selection of candidates in the District Judiciary across the country. One of directions is as under:

"1.....

(I) The High Courts/PSCs, while making recruitment to judicial service, ought to provide separate qualifying marks for persons with benchmark disabilities in the Preliminary Examination. The qualifying marks should ordinarily be the same as for the SC/ST candidates or can even be lower if so prescribed by the relevant Rules. If the Rules are silent, then the competent authority can lay down such qualifying marks;

(underline is mine)"

4. Counsel for petitioner submits that relaxation to obtain minimum qualifying marks, 30% marks in each of law papers and 35% marks in aggregate in the Main Examination, is the criteria, which has been provided in the Advertisement and applicable to the candidates belonging to SC/ST, persons with the benchmark disability and Ex-servicemen, whereas as per the guidelines of Hon'ble Supreme Court, minimum qualifying marks for persons with benchmark disability can even be lower than the minimum qualifying marks for SC/ST candidates, if so prescribed by the relevant rules and if the rules are silent then the competent authority can lay down such qualifying marks, hence, in order to ensure implementation of the guidelines prescribed by the Hon'ble Supreme Court and to insert criteria of fixing minimum qualifying

marks for the person with benchmark disability, lower to the persons of SC/ST/Ex-servicemen category, vires to the Rule has been put to challenge and amendment to this effect in the memo of writ petition has been prayed for, including the prayer to implead State Government as party respondent no.2 and to amend the prayer clause as well.

5. The present writ petition is at admission stage and reply to the writ petition has not been filed by the respondent.

6. The proposed amendment and challenge to the vires of Rule has nexus with the grievance raised by the petitioner and the prayer made in the writ petition, hence, at this stage, the prayer to carry out amendment in the writ petition is allowed.

7. In view of above, application (I.A. No.1/2025) stands allowed. The amended writ petition already filed by petitioner is taken on record.

8. Office is directed to place the amended writ petition at appropriate place.

9. Since on behalf of respondent No.1, counsel has already put in appearance, hence, notices will go to respondent No.2.

10. In addition, copy of amended writ petition may be served in the office of Advocate General and name of Mr. Sheetanshu Sharma, who appears on behalf of Advocate General, be shown in the cause list.

11. As far as interim prayer of petitioner, to permit him for appearing before the interview board provisionally is concerned, undisputedly, petitioner has not secured the minimum qualifying marks in the Main Examination and his marks are much lower to the minimum qualifying marks. The existing Rules of 2010 are

silent in respect of granting any more relaxation in minimum qualifying marks to the persons suffering with benchmark disability, hence, we are not inclined to grant any interim relief to the petitioner, as prayed for.

12. Accordingly, the stay application is dismissed.

13. Let this writ petition be listed after four weeks.

(BHUWAN GOYAL),J

(SUDESH BANSAL),J