

ITEM NO.34

COURT NO.2

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 116/1998

JUSTICE SUNANDA BHANDARE FOUNDATION

Petitioner(s)

VERSUS

U.O.I. & ORS.

Respondent(s)

IA No. 134118/2018 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 10/2015 - DIRECTIONS

IA No. 14/2017 - DIRECTIONS

IA No. 13/2015 - DIRECTIONS

IA No. 11/2015 - EXEMPTION FROM FILING O.T.

IA No. 93954/2018 - EXEMPTION FROM FILING O.T.

WITH

C.A. No. 11938/2016 (XIV-A)

Diary No(s). 29329/2021 (PIL-W)

IA No. 204291/2022 - CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS

IA No. 727/2023 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 75708/2024 - INTERVENTION APPLICATION

Diary No(s). 26974/2024 (PIL-W)

IA No. 132857/2024 - APPLICATION FOR PERMISSION

IA No. 132858/2024 - PERMISSION TO APPEAR AND ARGUE IN PERSON

IA No. 132859/2024 - PERMISSION TO FILE APPLICATION FOR DIRECTION

Date : 15-04-2026 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VIKRAM NATH

HON'BLE MR. JUSTICE SANDEEP MEHTA

HON'BLE MR. JUSTICE VIJAY BISHNOI

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UPON hearing the counsel the Court made the following  
O R D E R

1. Mr. Colin Gonsalves, learned senior counsel appearing for the appellant in Civil Appeal No. 11938 of 2016, submitted that certain States and Union Territories have still not appointed Nodal Officers in compliance with the directions issued by this Court *vide* judgment dated 12<sup>th</sup> September, 2025. It is submitted that such non-compliance is causing serious impediments in the effective functioning of the National Law Universities in discharge of the mandate of this Court.

2. It has been brought to the notice of this Court that the States of Kerala, Jharkhand, Odisha, Sikkim, Arunachal Pradesh, Manipur, Meghalaya, Tripura, Madhya Pradesh, Chhattisgarh and Telangana, as well as the Union Territories of Puducherry, Lakshadweep Islands, Ladakh, Delhi, Chandigarh, and Andaman and Nicobar Islands, have not appointed Nodal Officers even after a lapse of seven months from the date of the aforesaid judgment.

3. We express our serious displeasure at the lackadaisical and indifferent approach displayed by the aforesaid States and Union Territories in complying with the directions of this Court. The directions issued pertain to a matter of considerable sensitivity and significance, impacting the effective implementation of statutory mandates and the rights of vulnerable sections of the society. Such continued

inaction not only undermines the authority of this Court but also defeats the very purpose for which the directions were issued. The concerned authorities are, therefore, expected to act with promptitude and a sense of responsibility commensurate with the importance of the subject matter.

4. However, considering the facts and circumstances of the case, one last opportunity is granted to the aforesaid States and Union Territories to appoint the Nodal Officers in terms of the directions issued by this Court *vide* judgment dated 12<sup>th</sup> September, 2025, on or before the next date of hearing. Failing such compliance, the Chief Secretaries and the Secretaries, Department of Social Justice and Empowerment/Department of Social Welfare of the concerned States and Union Territories shall remain personally present before this Court on the next date of hearing, along with an affidavit explaining the reasons for the delay in appointing the Nodal Officers. It is clarified that in the event compliance is effected and the Nodal Officers are duly appointed by the next date of hearing, the requirement of personal presence of the Chief Secretaries and the Secretaries, Department of Social Justice and Empowerment/Department of Social Welfare of the concerned States or Union Territories, as the case may be, shall stand exempted, subject to the filing of an affidavit evidencing such compliance.

5. An oral request was made on behalf of Mr. Colin Gonsalves seeking permission to change the Advocate-on-Record from Mr. Satya Mitra to Ms. Puja Sharma. It is stated that the requisite application has been filed but is not yet on record. The request is allowed. The Registry is directed to accept the *vakalatnama* of Ms. Puja Sharma on behalf of the appellant in Civil Appeal

No. 11938 of 2016.

6. Learned counsel appearing for the petitioner in Writ Petition (Civil) No. 116 of 1998 submitted that the larger issue in the present matters concerns the faithful implementation of the provisions of the Rights of Persons with Disabilities Act, 2016, and sought time to place on record a status report. Accordingly, time is granted to the learned counsel to file the status report on or before the next date of hearing.

7. We are constrained to note that despite several opportunities granted to the Union of India to place on record its response as to the query raised in Para 53 of the judgment dated 12<sup>th</sup> September, 2025, i.e., whether upward movement of meritorious candidates applying against posts reserved for persons with disabilities is permissible in cases where such candidates secure marks higher than the cut-off prescribed for the unreserved category, no clarity has been forthcoming. Neither has any counsel appeared on behalf of the Union of India to address this issue, nor have we been informed as to whether any affidavit in this regard has been filed. In these circumstances, we grant last opportunity to the Union of India to file its response on record by the next date of hearing.

8. List on 28<sup>th</sup> April, 2026 for further consideration.

(NEETU KHAJURIA)  
ASSISTANT REGISTRAR-CUM-PS

(RANJANA SHAILLEY)  
ASSISTANT REGISTRAR