

ITEM NO.24

COURT NO.7

SECTION X

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G SCONMT.PET.(C) No. 184/2026 in W.P.(C) No. 771/2025

AAYUSH YARDI

Petitioner(s)

VERSUS

VIKAS SHEEL &amp; ORS.

Alleged Contemnor(s)/Respondent(s)

(IA No. 75856/2026 - EXEMPTION FROM FILING O.T.)

Date : 23-04-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA

HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) :

Mr. Siddhartha Iyer, AOR  
Ms. Srishti Ghoshal, Adv.

For Respondent(s) :

Mr. Vivek Sharma, Advocate General  
Ms. Ankita Sharma, AOR  
Mr. Arjun D. Singh, Adv.  
Ms. Ishika Neogi, Adv.  
Mr. Divya Tripathi, Adv.Mr. Apoorv Kurup, Sr. Adv.  
Ms. Nidhi Mittal, AOR  
Mr. Gurjas Singh Narula, Adv.Dr. Harsh Pathak, Adv.  
Ms. Shaveta Mahajan, AOR  
Mr. Mohit Choubey, Adv.  
Mr. Aditya Nema, Adv.UPON hearing the counsel the Court made the following  
O R D E R

1. This is a contempt petition at the instance of the original petitioner.
2. The petitioner complains that the Respondents, more particularly, the Respondent No.3 has failed to comply with the directions issued by this Court vide Order dated 10-11-2025 and 10-12-2025 respectively passed in Writ Petition (Civil) No.771 of

2025.

3. We heard the learned counsel appearing for the parties.

4. Ms. Reeta Shandilya, the Chairman, Chhattisgarh Public Service Commission, Mr. Rajnish Kr. Shrivastava, the Registrar General of the High Court of Chhattisgarh and Mr. Vikas Sheel, Chief Secretary of the State of Chhattisgarh have joined the proceedings online.

5. We must take notice of the two Orders referred to above.

6. The Order dated 10-11-2025 reads thus:-

"IA No.278831/2025:-

The order passed by this Court dated 7.11.2025 in Writ Petition (C) No. 570/2025 reads thus:-

1. *This matter was heard finally and the judgment was reserved.*

2. *Later, we realised that the State of Uttarakhand has made a fervent appeal that it may be heard insofar as the issue of domicile is concerned.*

3. *We accede to the request made by the State of Uttarakhand in this regard and we would like to hear the State.*

4. *Since we are to hear the State on the issue of domicile and also having regard to Article 16(3) of the Constitution of India, we would like to seek the views of the Union also on this aspect. In such circumstances, we request Mr. Vikramjit Banerjee, the learned Additional Solicitor General of India, to assist us on this issue on the next date of hearing.*

5. *One copy of the entire paper book shall be provided to Mr. Vikramjit Banerjee, the learned Additional Solicitor General of India for this purpose.*

6. *Since, we have reserved the judgment and are inclined to hear the Parties on a limited issue, no further time shall be granted in this regard.*

7. *Accordingly, learned counsel for all the parties shall keep themselves ready on the point of domicile.*

8. *Tag W.P. (C) No. 771/2025.*

9. *List on 26.11.2025 at 2.00 P.M."*

2. *The petitioner before us indisputably suffers from multiple disabilities.*

3. *It is not in dispute that he appeared in the preliminary examination conducted by the respondent no.3 as a candidate from the general category.*

4. *We are informed that the result came to be declared on 14.10.2025*

and the petitioner does not figure in the list of successful candidates (unreserved quota).

5. This could be because he was not in a position to apply in the first instance in the quota meant for physically disabled candidates on the ground of insistence of domicile and also due to technical glitches that the petitioner had to encounter at the time of filling up of the form.

6. In the facts and circumstances of this case, we permit the petitioner herein to appear in the main exams to be conducted on 21st December, 2025, without prejudice to the rights and contentions of both the parties.

7. With the aforesaid, this I.A. for directions stands disposed of."

7. Order dated 10-12-2025 reads thus:-

"1. Today, when these matters were taken up for further hearing, Mr. Tushar Mehta, the learned Solicitor General of India, after taking instructions, made a statement that the State Acts will be brought in line with the 2016 Central Act.

2. According to the learned Solicitor General, the bringing of the State Acts in tune with the Central Act would solve most of the problems including, for the time being, the domicile issue.

3. The learned Solicitor General, however, clarified that the wider issue as regards Article 16(4) of the Constitution of India will have to be looked into by the Union both administratively and legislatively.

4. Let the necessary exercise be undertaken at the earliest.

5. The interim order passed by this Court permitting the candidates to appear as persons with disability is made absolute.

6. We clarify that we have passed this order in the peculiar facts and circumstances of this case and it may not be cited as a precedent.

7. With the aforesaid, the Writ Petitions stand disposed of.

8. Pending applications, if any, also stands disposed of.

9. We hope and trust that the entire exercise is completed expeditiously."

8. In pursuance of the two Orders passed by this Court, the petitioner was permitted to appear in the main examination in the category of physically disabled candidate.

9. It is not in dispute that the petitioner has cleared the examination. However, in the Final Select List, the petitioner's name does not figure.

10. In such circumstances, the petitioner is here before us with the present Contempt Petition.

11. It is the stance of the Respondent No.3 that although the claim of the petitioner is under the category of "multiple disabilities", yet upon scrutiny, it was found that he is not eligible under the said category as defined under the Rights of Persons with Disabilities Act, 2016 and the Rules framed thereunder.

12. The learned counsel appearing for the Respondent No.3 would submit that as per Section 2(r) of the Rights of Persons with Disabilities Act, 2016, a "person with benchmark disability" requires a minimum of forty percent of a specified disability. Further, under Section 34, the category of "multiple disabilities" applies only where a candidate suffers from more than one specified benchmark disability falling within the recognized categories under the Act. It is pertinent to note that Rule 6(3) of the Chhattisgarh Lower Judicial Service (Recruitment and Conditions of Service) Rules, 2006 expressly adopts and incorporates the scheme of reservation as envisaged under Section 34 of the 2016 Act, thereby making the statutory requirements therein fully applicable. He also submitted that the disability certificate of the Petitioner indicates locomotor disability and thalassemia. He further submitted that the locomotor disability, as reflected in the certificate, is below the prescribed benchmark threshold of forty percent as required under Section 2(r) of the Rights of Persons with Disabilities Act, 2016. It was also argued that thalassemia, though a medical condition, yet is not covered within the specified categories of disabilities eligible for reservation under Section 34 of the Act. In such circumstances, the combination of the said conditions does not satisfy the statutory requirements for classification under the category of "multiple disabilities" as contemplated under the Act and the applicable rules.

13. We are of the view that since we permitted the petitioner to appear in the main examination and he has cleared it, nothing further should come in his way insofar as his final selection is concerned.

14. In the facts and circumstances of this case, we direct that the petitioner's name be included in the Final Select List.

15. Let the needful be done at the earliest

16. With the aforesaid, the Contempt Petition stands disposed of.

17. Pending applications, if any, also stand disposed of.

(VISHAL ANAND)  
DEPUTY REGISTRAR

(POOJA SHARMA)  
COURT MASTER (NSH)