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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 4023 OF 2025**

Shabana Rashid Pinjari.  
Age : 41 years, Occ: Nil,  
Residing at : 302, Al Sufiyan Flat,  
Savera Hotel, Amber Tower,  
Ahmedabad, Gujrat- 380055. ... Petitioner.

Versus

Maharashtra Public Service Commission,  
Through its Chairman,  
having officer at – Trishul Gold Field,  
Plot No. 34, Sector 11,  
Opp. Sarovar Vihar, CBD Belapur,  
Navi Mumbai 400 614. ... Respondent.

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Dr. Uday Warunjikar i/b. Mr. Siddhesh Pilankar, for the Petitioner.

Mr. Ashutosh Kulkarni a/w. Mr. Siddharth Shitole, for Respondent-  
MPSC.

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**CORAM : M.S. KARNIK AND  
ASHWIN D. BHOBE, JJ.**

**DATE : 8<sup>th</sup> APRIL, 2025**

**JUDGMENT (ASHWIN D. BHOBE, J)**

1. Rule. Rule is made returnable forthwith and by consent of the  
Advocates representing the respective parties, petition is taken up for  
final hearing.

2. Petitioner, battling and surmounting debility against visual impairment (100% blindness), has filed the present Petition invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

**Factual Matrix :**

3. Respondent published an advertisement No. 01/2023 dated 20.01.2023, inviting online registration of applications from eligible candidates for the Maharashtra Subordinate Group-B and Group-C Services Combined Preliminary Examination-2023 (“said advertisement”). Supplementary advertisement bearing Advertisement No. 111/2023 was published on 13.10.2023

4. In response to the said advertisement, Petitioner being 100% permanently visually impaired ( blind) , on 30.01.2023 applied for the post of Clerk-Typist (Marathi – English)-2023 under the Person with Disability category .

5. Said advertisement, required candidates to submit preferences online for the appointing authority i.e. Administrative Department (Pradhikaran Vibhag)”. On account of her disability, Petitioner took assistance from a person at the internet cafe to fill the preference form. While selecting the preference option, person from internet cafe assisting

Petitioner, inadvertently selected the option of “no preference” in the preference list for selecting the appointing authority. Petitioner was oblivious of the said error. Petitioner successfully cleared the preliminary as well as mains examination in one attempt with a total score of 192.48.

6. Upon being informed of the error committed, in selecting the option for the appointing authority, Petitioner immediately by her letter dated 28.02.2025, brought the said error to the notice of the Respondent and requested for indulgence to correct the said error by editing the said option to give her choice of preference for the appointing authority. Petitioner did not receive any response to the letter dated 28.02.2025, as such Petitioner made another representation dated 03.03.2025 to the Respondent. National Association for the Blind (NAB) an organization working for the upliftment of individuals with visual impairment, made a similar request to the Respondent to consider affording an opportunity to the Petitioner to edit her preference for appointing authority.

7. Vide reply dated 06.03.2025, Respondent rejected the request of the Petitioner. Ground for rejection was that the clause/s of the said advertisement / examination scheme did not permit modifying / changing the option in respect of the preference for appointing authority.

8. Petitioner is thus before this Court seeking the following substantial relief :

*“a) Be pleased to call for records and proceedings of the advertisement No 01/2023 and the supplementary advertisement No. 111/2023 and the letter dated 6th March 2025 issued by the respondent herein thereby rejecting the request of correction of error in the preference form of the petitioner and after going through the same and satisfying about its legality, validity and propriety, be pleased to quash and set aside the letter dated 6th March 2025 and further direct the respondent to provide one opportunity to the petitioner to correct the error made in the preference form as per the terms and conditions as this Hon'ble High court may deem fit and proper;”*

9. Respondent appeared through learned Advocate Mr. Ashutosh Kulkarni and has opposed the petition.

**SUBMISSIONS:**

10. Dr. Uday Warunjikar, learned Advocate on behalf of the Petitioner has advanced following arguments :

(a) Petitioner deserves an an opportunity to correct / edit

the preference of appointing authority, considering her disability.

(b) Error in excising the “no preference” of appointing authority, was attributable to the disability of the Petitioner, resulting in the Petitioner requiring assistance to fill the online form, by taking assistance of the person at the internet cafe.

(c) By Press Release dated 21.02.2025 and 04.03.2025, Respondent had extended the deadline for submitting the “Appointing authorities Preferences” for the post of clerk-typist under the Maharashtra Group-C Services Main Examination-2023 (Clerk-Typist Cadre), upto 06.03.2025. Request for correction / editing the preference of appointing authority, made by the Petitioner was on 28.02.2025 and 03.03.2025, being within the extended timeline, Respondent ought to have considered the request of the Petitioner.

(d) Petitioner being eligible and having successfully cleared the preliminary and mains examination with score 192.48, the Petitioner ought not be denied of exercising her preference of appointing authority, more so when the error was attributable to the Petitioner’s disability.

(e) Reliance is placed on the decision of this Court in the case of Ms. *Shanta Digamber Sonawane v/s. Union of India & Anr.*<sup>1</sup>

11. On the other hand, Mr. Ashutosh Kulkarni, learned Advocate for the Respondent, apart from advancing oral submissions has placed on record his written notes of arguments. Shri Kulkarni submits as under :

(a) Neither the recruitment rules nor the examination scheme makes a provision for a candidate to seek or enable the Respondent to allow any modification in the preference of appointing authority, having opted for the same. Reliance is placed on the terms of the said advertisement, clause No. 2.2, 2.10 and 2.11 of the Examination Scheme.

(b) Respondent had rejected Petitioner's application dated 28.02.2025 and 03.03.2025, by letter dated 06.03.2025 pointing out the clauses prohibiting any change in the preference for the appointing authority, subsequent to the exercise of the preference option.

(c) Said advertisement for preliminary examination as well as mains examination provide that the final results of the

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<sup>1</sup> (Civil Writ Petition No. 10813 of 2023)

examination would be declared as per the Examination Scheme published on the website of the Respondent. General instructions to candidates published by the Respondent and Clause 3(6) of the Declaration dated 26.02.2025 published on website of the Respondent notified the candidates that after the specified period, request for change or submission of preference shall not be entertained. Said information was available on the website of the Respondent, thus in public domain .

(d) According to the Respondent, Clause 10.4.1(4) of the said advertisement mentions that candidates held eligible for mains examination are entitled to give preference from the options which were given by them at the time of preliminary examination. Petitioner had given one option at the time of preliminary examination viz, Maharashtra Hindi, Sindhi, Gurarathi Sahitya Academy as Appointing Authority. However, at the time of mains examination, the Petitioner did not select the said option and rather selected option “no preference”. In such circumstances, the Respondent was unable to accept the contention of the Petitioner that the same was a mistake.

(e) Decision of this Court in the case of Shanta Sonawane (supra) was on different sets of facts as such not applicable to the case in hand.

12. From the rival contentions of the parties, the question that falls for consideration is whether the request of the Petitioner for correcting / editing the “preference of appointing authority” can be afforded to the Petitioner ?

### **POSITION OF LAW**

13. Until 2016, the prevailing disability law in India was the Person with Disability Act, 1995. India ratified the United Nations Convention on the Rights of Person of disability and the Person with Disability Act, 1995 was replaced with Rights of Persons with Disability Act, 2016, (**RPwD Act**) which law seeks to promote the inclusion of persons with disability by expanding the legal definition of disability. RPwD Act confers an obligation on the State to ensure that persons with disabilities enjoy the right to equality, life with dignity and respect for his or her integrity, equally with others, as also to ensure equal opportunity to persons with disability.

14. Section 2(s) of RPwD Act defines a person with disability. Section 2(y) of RPwD Act defines ‘reasonable accommodation’. Sections 2(s)

and 2(y) are transcribed herein below :

“2(s) “person with disability” means a person with long term physical, mental, intellectual or sensory impairment which, in interaction with barriers, hinders his full and effective participation in society equally with others;

2(y) “reasonable accommodation” means necessary and appropriate modification and adjustments, without imposing a disproportionate or undue burden in a particular case, to ensure to persons with disabilities the enjoyment or exercise of rights equally with others;”

15. Reference to the decisions of the Hon’ble Supreme Court in respect of the matters pertaining to the rights of person with disability would be useful.

(i) *Vikas Kumar v/s. Union Public Service Commission & Ors.*<sup>2</sup> was a case of denial of a scribe to the candidate having disability in the form of dysgraphia (writer’s cramp), who was aspirant in 2018 Civil Services Examination. The Hon’ble Supreme Court clarified the meaning and scope of reasonable accommodation. In paragraphs nos. 43 to 48 the Hon’ble Supreme Court has observed as under :

“43 At the heart of this case lies the principle of

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2 AIR 2001 SC 2447

reasonable accommodation. Individual dignity undergirds the [RPwD Act, 2016](#). Intrinsic to its realization is recognizing the worth of every person as an equal member of society. Respect for the dignity of others and fostering conditions in which every individual can evolve according to their capacities are key elements of a legal order which protects, respects and facilitates individual autonomy. In seeking to project these values as inalienable rights of the disabled, the [RPwD Act, 2016](#) travels beyond being merely a charter of non-discrimination. It travels beyond imposing restraints on discrimination against the disabled. The law does this by imposing a positive obligation on the State to secure the realization of rights. It does so by mandating that the State must create conditions in which the barriers posed by disability can be overcome. The creation of an appropriate environment in which the disabled can pursue the full range of entitlements which are encompassed within human liberty is enforceable at law. In its emphasis on substantive equality, the enactment of the legislation is a watershed event in providing a legal foundation for equality of opportunity to the disabled.

44 As a social construct, disability encompasses features broader and more comprehensive than a medical condition. [The RPwD Act, 2016](#) recognizes that disability results in inequality of access to a range of public and private entitlements. The handicaps which the disabled encounter emerge out of disability's engagement with the barriers created by prejudice, discrimination and societal indifference. Operating as restraining factors, these barriers have origins which can be traced to physical, social, economic and psychological conditions in society. Operating on the

pre-existing restraints posed by disability, these barriers to development produce outcomes in which the disabled bear an unequal share of societal burdens. The legislation has recognized that remedies for the barriers encountered by the disabled are to be found in the social environment in which they live, work and co-habit with others. The barriers encountered by every disabled person can be remedied by recognizing comprehensive rights as inhering in them; rights which impose duties and obligations on others.

45 The principle of reasonable accommodation acknowledges that if disability as a social construct has to be remedied, conditions have to be affirmatively created for facilitating the development of the disabled. Reasonable accommodation is founded in the norm of inclusion. Exclusion results in the negation of individual dignity and worth or they can choose the route of reasonable accommodation, where each individuals' dignity and worth is respected. Under this route, the "powerful and the majority adapt their own rules and practices, within the limits of reason and short of undue hardship, to permit realization of these ends."

46 In the specific context of disability, the principle of reasonable accommodation postulates that the conditions which exclude the disabled from full and effective participation as equal members of society have to give way to an accommodative society which accepts difference, respects their needs and facilitates the creation of an environment in which the societal barriers to disability are progressively answered. Accommodation implies a positive obligation to create conditions conducive to the growth and fulfilment of the disabled in every aspect of their existence –

whether as students, members of the workplace, participants in governance or, on a personal plane, in realizing the fulfilling privacies of family life. The accommodation which the law mandates is 'reasonable' because it has to be tailored to the requirements of each condition of disability. The expectations which every disabled person has are unique to the nature of the disability and the character of the impediments which are encountered as its consequence.

47 For instance, for a visually impaired person, the reasonable accommodation she requires might consist of screen magnification software or a screen reader [which can speak out the content on a computer screen in a mechanical voice]. It might also consist of content being made available in Braille and a sighted assistant. In the same way, for someone with a hearing impairment, reasonable accommodation could consist of speech-to-text converters, access to sign language interpreters, sound amplification systems, rooms in which echo is eliminated and lip-reading is possible. Similarly, for a person with dyslexia, reasonable accommodation could consist of access to computer programmes suited to meet their needs and compensatory time.

48 Failure to meet the individual needs of every disabled person will breach the norm of reasonable accommodation. Flexibility in answering individual needs and requirements is essential to reasonable accommodation. The principle contains an aspiration to meet the needs of the class of persons facing a particular disability. Going beyond the needs of the class, the specific requirement of individuals who belong to the class must also be accommodated. The

principle of reasonable accommodation must also account for the fact that disability based discrimination is intersectional in nature. The intersectional features arise in particular contexts due to the presence of multiple disabilities and multiple consequences arising from disability. Disability therefore cannot be truly understood by regarding it as unidimensional. Reasonable accommodation requires the policy makers to comprehend disability in all its dimensions and to design measures which are proportionate to needs, inclusive in their reach and respecting of differences and aspirations. Reasonable accommodation cannot be construed in a way that denies to each disabled person the customization she seeks. Even if she is in a class of her own, her needs must be met.<sup>24</sup> While assessing the reasonableness of an accommodation, regard must also be had to the benefit that the accommodation can have, not just for the disabled person concerned, but also for other disabled people similarly placed in future.”

(ii) *Patan Jamal Vali v/s. State of Andhra Pradesh*<sup>3</sup>, was a case of a woman with complete visual impairment, who was sought to be discredited by an accused alleged of committing rape on her, on the ground that her disability prevented her from being an eye witness. The Hon’ble Supreme Court observed the need for courts to be cognizant of the biases the stigma faced by person with disability.

(iii) *Avani Prakash v/s. National Testing Agency(NTA) & Ors.*<sup>4</sup>

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3 AIR2021 SC2190

4 (2023) 2 SCC286

was a case of a candidate with writer's cramp being denied the one hour compensatory time provided to person with disability while appearing for NEET-UGC examination. The Hon'ble Supreme Court made reference to "Tragedy of errors" that had taken place in the said case which denied candidates' rights to reasonable accommodation. The Hon'ble Supreme Court was at a pains to observe that the said case highlighted the lack of awareness and did not treat the candidate with disabilities, with due sensitivity.

(iv) *Ravinder Kumar Dhariwal & Anr. v.s. Union of India*<sup>5</sup>. was a case of an employee from the CRPF who had acquired a serious mental illness during service, was assessed by the Government Hospital and certified as of having a permanent disability, based on which he was declared unfit for duty. The said decision recognises that disability itself is an evolving concept and a one-size-fits-all approach cannot be used to identify disability.

(v) *Om Rathod v/s. Director General of Health Services and Ors.*<sup>6</sup> was a case where the candidate had a lower limb Mayopathy exceeding 80%, despite having scored 80% and having achieved a rank in NEET-UG was being denied MBBS programme after a

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5 (2023) 2 SCC 209

6 2024 SCC Online SC 3130

medical assessment. The Hon'ble Supreme Court observed that an approach which focuses more on disability than ability amounts to a denial of right to reasonable accommodation and violate Articles 14, 19 and 21 of the Constitution of India.

(vi) In the case of *Rajive Raturi v/s. Union of India & Ors.*<sup>7</sup>, the Hon'ble Supreme Court reiterated the rights of a person with disabilities to accessible spaces under both Constitution and the RPwD Act.

### ANALYSIS

16. Petitioner being visually impaired (100% blindness), she having applied for the post of Clerk -Typist under the Person with Benchmark Disability and she having cleared the preliminary as well as mains examination are facts which are not in dispute. Department of Empowerment of Person with Disability, Ministry of Social Justice and Empowerment, Government of India has issued Disability Certificate dated 18.03.2023, certifying the Petitioner being a case of blindness(100%).

17. Petitioner and Respondent having laid emphasis on the letter dated 06.03.2025 and the press-release dated 21.02.2025 and 04.03.2025, contents of the said documents are extracted herein below :

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7 2024 SCC Online SC 3217

a) **Letter dated 06.03.2025 issued by the Respondent :**

“Number: 1442/Group-C Joint C.S./2023/24.

Date: 06 March, 2025

To.

Mrs. Shabana Rashid Pinjari  
(E-mail ID: [shabanapinjari661@gmail.com](mailto:shabanapinjari661@gmail.com))

Subject: Maharashtra Group-C Services Main Examination-2023 (Clerk-Typist Cadre)

Ref: Your representation dated 27 February, 2025

Madam,

With reference to the above representation, you have mentioned that while submitting the appointing authority preferences for the Clerk-Typist cadre, you mistakenly selected the option 'No Preference.' You have requested an opportunity to newly submit a preference order for four appointing authority offices mentioned in your representation. Accordingly, you are hereby informed as follows.

2. The following has been specified in the examination scheme for this cadre:

(i) Para 2.3. While providing options for the Clerk-Typist cadre, candidates will be given the choice to apply for one or more offices under the appointing authorities, and the further recruitment process will be conducted based on these options.

(ii) Para 2.10 The options provided by the candidates for various cadres and/or appointing authorities for the Clerk-Typist cadre at the time of submitting the application for the Combined Preliminary Examination will be considered final, and further recruitment will be conducted accordingly.

(iii) Para 2.11 Any request for modification of the options given for various cadres and/or appointing authorities for the Clerk-Typist cadre in the

application for the Combined Preliminary Examination will not be entertained under any circumstances.

3. The following has been mentioned in para 10.4.1 (4) of the advertisement for the main examination: Candidates who qualify for the main examination from the preliminary examination will be allowed to submit a preference order only for the cadre/appointing authority options they had selected in their preliminary examination application.

4. While submitting your preliminary examination application, you had selected only one appointing authority office, namely Maharashtra Hindi, Sindhi, and Gujarati Literature Academy, under the Clerk-Typist cadre. While submitting the preference order for this cadre, you were required to either provide a preference order for the appointing authority office or select the 'No Preference' option. It appears that you selected the 'No Preference' option.

5. Regarding the submission of appointing authority-wise preferences in this cadre, the following has been mentioned in para 3 (6) of the press release published on the Commission's website on 21 February, 2025: "Under no circumstances will requests for submission or modification of appointing authority-wise preference orders be accepted after the prescribed period."

6. Considering all the above provisions, your request made through the referenced representation cannot be accepted."

b) **Press-release dated 21.02.2025:**

Number: 1442/Group-C Joint Li. Typ/2023/24

Date: 21 February, 2025

**-: PRESS RELEASE :-**

Subject: Submission of preference order for appointing authority-wise selection in Maharashtra Group-C Services Main Examination-2023, 'Clerk-Typist' cadre

Ref: Advertisement Number 001/2023 and 111/2023

The general merit list for the 'Clerk-Typist' cadre in the Maharashtra Group-C Services Main Examination-2023 has been published on the Commission's website on 11 February, 2025.

2. To submit the preference order (Preference Number) for the notified appointing authorities' offices of this cadre, a web link titled 'Appointing Authority Preferences' has been provided under the 'ONLINE FACILITIES' menu on the Commission's website <https://mpsc.gov.in>. This web link will remain active from 12:00 PM on 24 February, 2025, to 11:59 PM on 2 March, 2025.

3. Based on the preference orders received in the prescribed manner from candidates, the following process will be carried out regarding the final result/recommendations:

(1) Candidates may submit their preference order only for the appointing authorities they selected while submitting the preliminary examination application form.

(2) Candidates must select a preference order (Preference Number) or the 'No Preference' option for the appointing authorities available via the web link.

(3) Candidates should submit their preference order only for the posts they are interested in. For posts they are not interested in, they should select the 'No Preference' option.

(4) After submitting the preference order, candidates can save a copy by selecting the 'Download PDF' option.

(5) Only those appointing authorities for which candidates have submitted preferences online will be considered.

(6) Under no circumstances will requests to submit or change preference orders be accepted after the specified period.

4. In case of any technical difficulties while submitting appointing authority preferences, candidates may contact the Commission at the toll-free numbers 1800-1234-275 or 7303821822, or via email at support-online@mpsc.gov.in within the prescribed period.

Deputy Secretary (Post-Examination Non-Gazetted)  
Maharashtra Public Service Commission  
Place - Navi Mumbai.

(c) **Press-release dated 04.03.2025 :**

Reference No.: MIS-0120/C.R.09/2020/IT

Date: 4 March, 2025

**-: PRESS RELEASE :-**

Subject: Extension of the deadline for submitting preference order for the post of 'Clerk-Typist' under Maharashtra Group-C Services Main Examination-2023

Ref: (1) Advertisement No. 111/2023

(2) Commission's press release dated 21 February 2025

The deadline for submitting the preference order (Preference Number) for the post of 'Clerk-Typist' under the Maharashtra Group-C Services Main Examination 2023 has been extended until 6 March 2025. The specified web link will be active from 12:00 PM on 4 March 2025 to 11:59 PM on 6 March 2025.

2. The procedure and other aspects related to submitting t2 The deadline for submitting the preference order (Preference Number) for the post of 'Clerk-Typist' under the Maharashtra Group-C Services Main Examination 2023 has been extended until 6 March 2025. The specified web link will be active from 12:00 PM on 4 March 2025 to 11:59 PM on 6 March 2025.

3. In case of any technical difficulties while submitting the preference order, the concerned authorities may contact the Commission's toll-free numbers 1800-1234-275 or 7303821822, or reach out via email at support-online@mpsc.gov.in within the stipulated period.

Location - Navi Mumbai

Deputy Secretary,  
Information Technology  
Maharashtra Public Service  
Commission

18. Petitioner has put forth a specific case of having taken assistance from a person at the Internet cafe to fill the preference form and that opting for “no preference” of appointing authority was an inadvertent mistake on the part of the said person.

Respondent has opposed the petition on the ground that the Petitioner having once exercised the option “no preference for appointing authority”, the Petitioner, is bound by the same. Stand of the Respondent as disclosed in the letter dated 06.03.2025 is that they are bound by the clause/s of advertisement/ Examination scheme and cannot remedy the situation.

19. Respondent, rely on the terms of the said advertisement and clause nos 2.2., 2.10 and 2.11 in the Examination Scheme, with rigidity to contend that the same prohibits any change in the specified preference. It is further their contention that the candidates were notified

by issuance of general instructions, as such, request for change or submission of preference beyond specified period would not be entertained. Thus, according to the Respondent the error stemming from Petitioner's disability, cannot be remedied. This approach of the Respondent shows the insensitivity towards persons with disabilities.

20. The situation is not such that the error cannot be rectified or that prejudice would be caused to anyone by rectifying the error. Respondent is expected to look at the situation with sensitivity and flexibility. A technical consideration can never outweigh any decision which furthers the laudable object in enacting the RPwD Act. It is in such cases the provisions of the RPwD Act can be made meaningful.

21. Candidates being notified of the prohibition clause/s in the advertisement / website, need to be viewed differently to individual with disabilities and more particularly individuals with visually impairment, depending in the facts and circumstances of each case. Respondent has flawed in applying the concept of *Defensive awareness* to the Petitioner. On the contrary, Respondent was expected to afford an opportunity to the Petitioner to correct the mistake in the preference of appointing authority, for more than one reason, viz. *firstly*, it is not the case of the Respondent that the mistake by the Petitioner was deliberate and *secondly* the request for correction made by the Petitioner was

within the extended time limit for submitting the preference order. Such a course would have advanced the principle of “reasonable accommodation” envisaged in the [RPwD Act](#). Instead, the Respondent has taken a pedantic stand, which according to us is harsh and not in consonance with the objective of [RPwD Act](#).

22. The Hon’ble Supreme Court as well as this Court has time and again observed that the legislation for disabled should not merely remain in the statute book, rather, the spirit behind the legislation must be applied by all authorities in its practical application. RPwD Act mandates ensuring equal opportunities for people with disabilities by making adjustments to meet their specific needs. In the present case the Respondent missed an opportunity to further the cause of RPwD Act. The Hon’ble Supreme Court in paragraph 81 in the case of *Vikas Kumar (supra)* has observed as under :

“A generation of disabled people in India which regards as its birthright access to the full panoply of constitutional entitlements, robust statutory rights geared to meet their unique needs and conducive societal conditions needed for them to flourish and to truly become co-equal participants in all facets of life.”

23. Records of the case bears out that the Respondents had themselves extended the time limit fixed for submitting the preference order for notified appointing authorities by press-release dated

21.02.2025 and 04.03.2025. By the said Press-release the time limit to submit the preference order was extended till 06.03.2025. Petitioner by her request letter dated 28.02.2025 and 03.03.2025 had made a request to the Respondent to correct/modify the preference order. The Respondent at this point of time ought to have come out of the *proscenium arch*, to advance the concept of reasonable accommodation to the Petitioner by affording an opportunity to correct/modify the option of preference for selecting the appointing authorities. The deadline for submitting the said preference order having not expired, the Respondent would have been well within their right to consider affording an opportunity to the Petitioner.

24. The Petitioner has cleared preliminary examination as well as mains with a score of 192.48. Preference in the appointing authority, would give a candidate of being comfortable in the place of workplace, facilities available for persons with disabilities, proximity to the residence of such candidate, etc. Giving an opportunity to the Petitioner to edit/correct the preference option, will subserve and advance the concept of “reasonable accommodation” guaranteed to a person with disability under the RPwD Act.

25. The Hon’ble Supreme Court in the case of Avani Prakash (supra) has observed that “ It is no answer for an authority bound by the dicta of

law and the Constitution, to throw up its hands in despair, instead of attempting to remedy the injustice which is caused to a student. A judge cannot ignore that behind the statistics a human face, reflecting the aspirations, joy and tears of a student and her family.”

26. The Hon'ble Supreme Court, in the case of Justice Sunanda Bhandare Foundation v. Union of India and anr. has observed , as under:

“9. Be that as it may, the beneficial provisions of the 1995 Act cannot be allowed to remain only on paper for years and thereby defeating the very purpose of such law and legislative policy. The Union, States, Union Territories and all those upon whom obligation has been cast under the 1995 Act have to effectively implement it. As a matter of fact, the role of the governments in the matter such as this has to be proactive. In the matters of providing relief to those who are differently abled, the approach and attitude of the executive must be liberal and relief-oriented and not obstructive or lethargic. A little concern for this class who are differently abled can do wonders in their life and help them stand on their own and not remain on mercy of others. A welfare State, that India is, must accord its best and special attention to a section of our society which comprises of differently abled citizens. This is true equality and effective conferment of equal opportunity.

27. The Coordinate Bench of this Court in identical facts in the case of Mrs. Shanta Digambar Sonawane (supra) which was a case of a candidate who was 100% visually impaired, frowned upon the insensitivity shown by authorities. In paragraph-14 this Court has observed as under :

“14. The concept of fairness in dealing with person with disabilities is not only of treating them equal with others but of an affirmative action. The Supreme Court observed in *Jeeja Ghosh and Another Versus Union of India and Others*<sup>8</sup> that the key aspect of fairness is understanding that different individuals have varying needs, particularly those with disabilities. The Supreme Court, in the case of *Vikash Kumar Versus Union Public Service Commission and Others*<sup>9</sup>, elaborated the principle of Reasonable Accommodation, which entails providing additional support and facilities to persons with disabilities. Simply stating that discrimination against persons with disabilities is prohibited is insufficient. Additional support is required to mitigate the impact of disabilities. The principle of Reasonable Accommodation in Section 3 of the Rights of Persons with Disabilities Act, 2016 (the Act of 2016) mandates both supplementary support to individuals with disabilities and facilitating their complete integration into society. This principle rises above the mere prohibition of discrimination. It means the proactive creation of conditions conducive to the person with

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8 (2016) 7SCC 761

9 (2021) 5 SCC 370

disabilities. Reasonable Accommodation implies that the needs of individuals with disabilities must be acknowledged and remedied to a reasonable extent, respecting their differences and facilitating their full participation in all facets of life. The accommodations provided by law must be "reasonable" and tailored to the specific needs of each individual. Failing to meet the unique requirements of individuals with disabilities would contravene the principle of reasonable accommodation.”

28. In view of the above, we are of the opinion in the facts and circumstances of the present case, permitting the Petitioner to edit/modify the preference option would be in consonance with the intent and object of RPwD Act.

29. The Petition is therefore, allowed in terms of prayer clause (a). The impugned letter dated 6<sup>th</sup> March, 2025 is quashed and set aside. The Respondent is directed to provide an opportunity to the Petitioner to edit/modify the option in the preference form.

30. Rule is made absolute in the above terms. There shall be no order as to cost.

**(ASHWIN D. BHOBE, J.)**

**(M.S. KARNIK, J)**