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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: 14th September, 2026

CNR No. DLHC010836892018

+ **W.P.(C) 3859/2018**

ASHWIN JAWAHARLAL MEHTA

.....Petitioner

Through: Ms. Abiha Zaidi, Mr. Pritam Raman
Giriya, Mr. Aryan S. and Mr. Rohit
Rampuriya, Advocates.

versus

UNION OF INDIA & ORS

.....Respondents

Through: Mr. V.N. Koura, Mr. Aditya Sharma,
Mr. Nirbhay Narain Singh and
Ms. Paramjeet Benipal. Advocates for
IOCL.
Mr. Vikrant Nilesh Goyal,
Mr. Inderjeet Singh and Ms. Kunal
Dixit, Advocates for R-1.
Mr. Naman Saraswat and Mr. Kanav
Singhal, Advocates for R-4.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

JUDGMENT

SANJEEV NARULA, J. (Oral):

*[This case is being taken up today as 11th September, 2026 was
declared a holiday vide Notification No. 86/G-4/Genl.-I/DHC]*

CM APPL. 41294/2025 (condonation of delay in filing additional affidavit)

1. For the reasons stated in the application, the same is allowed. The delay of 40 days in filing the additional affidavit by Respondent No. 3 in terms of the order dated 7th May, 2025 is condoned. The additional affidavit,



along with the accompanying annexures, is taken on record.

2. The application stands disposed of.

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3. This petition arises principally out of two recruitment exercises in which the Petitioner's son, Bhagyadeep Ashwinbhai Mehta, participated as a person with hearing impairment. The first was conducted by Indian Oil Corporation Ltd. ["IOCL"] in 2014 and the second by Oil and Natural Gas Corporation Ltd. ["ONGC"] in 2017. In both cases, he was shortlisted based on his GATE score and proceeded to the subsequent stages of the selection process. He was, however, not selected.

4. What began as a challenge to these selections has, in this petition, assumed a wider dimension. The Petitioner contends that once a post is identified as suitable for a particular disability and a suitable candidate with that disability is available, the candidate cannot be denied appointment through further stages such as interview, Group Discussion ["GD"] or Group Task ["GT"], followed by carrying forward of the vacancy. On this basis, he seeks not only appointment of his son, but also directions concerning the use of interviews, GD and GT in the recruitment of persons with disabilities and the manner in which reserved vacancies are to be filled. The reliefs, thus, extend well beyond the two selections from which the dispute arose.

The IOCL recruitment

5. Bhagyadeep is a Mechanical Engineer. In the recruitment conducted by IOCL through GATE-2014, he applied for the post of Officer/Assistant Officer in the mechanical discipline under the PwD (HH) category. The recruitment process comprised GATE, followed by GD/GT and Personal Interview ["PI"]. A candidate was required to qualify at each stage, with the



final merit list prepared by reckoning performance in all the three stages.

6. Bhagyadeep obtained 29.05 marks in GATE-2014, 44/100 in GD/GT and 5/10 in PI. With 85% weightage assigned to GATE, 5% to GD/GT and 10% to the PI, his composite score was calculated as 31.893. He met the individual qualifying requirements of 40 marks in GD/GT and 4 marks in the PI but did not meet IOCL's minimum composite score of 40 marks prescribed for PwD candidates.

7. There were two vacancies for HH candidates in Mechanical Engineering. One candidate secured a composite score of 55.614 and was empanelled against the HH category. The Petitioner contends that the other vacancy remained unfilled.

8. The Petitioner thereafter approached the Chief Commissioner for Persons with Disabilities ["CCPD"]. By order dated 15th February, 2017, the complaint was disposed of. The CCPD noted that Bhagyadeep had not secured the minimum composite score of 40 marks and that, of the two HH vacancies in Mechanical Engineering, one candidate had been empanelled after meeting the minimum composite score. The CCPD concluded that no violation of the Persons with Disabilities Act, 1995 ["1995 PwD Act"], the Rules or the Government instructions was made out.

9. This petition was initially disposed of on 20th April, 2018, with a direction to reconsider the benchmark in view of the backlog of vacancies. That order was, thereafter, set aside in LPA 373/2018 on 17th July, 2018, as IOCL and ONGC, against whom the primary reliefs were sought, had not been heard. The matter was remanded for fresh consideration, with all legal objections of the Respondents left open.

10. On 7th May, 2025, this Court directed IOCL to place the relevant



recruitment material and Bhagyadeep's assessment record on an affidavit and, in particular, to address the question of compliance with Clause 22 of the DoPT Office Memorandum dated 29th December, 2005. Clause 22 reads:

“RELAXATION OF STANDARD OF SUITABILITY:

If sufficient number of persons with disabilities are not available on the basis of the general standard to fill all the vacancies reserved for them, candidates belonging to this category may be selected on relaxed standard to fill up the remaining vacancies reserved for them provided they are not found unfit for such post or posts...”

11. IOCL, in its affidavit filed in compliance with the order dated 7th May, 2025, indicates a series of relaxation given to PwD candidates in the 2014 recruitment: the minimum marks in the qualifying engineering degree were reduced from 65% to 55%; the qualifying marks in GATE were reduced from 35% to 25%; and, at the composite stage, while General/Unreserved candidates were required to secure 45%, PwD candidates were considered fit/suitable upon securing 40% or more. IOCL states that these relaxations were extended to PwD candidates pursuant to, and in keeping with, Clause 22.

12. IOCL has, in its Counter Affidavit, stated that, over time, the 40% composite standard did not result in sufficient recruitment of PwDs. As a one-time measure in 2018, it therefore reduced the minimum consolidated qualifying marks from 40% to 30% to fill the accumulated carried-forward vacancies in respect of PwDs. According to IOCL, this resulted in the recruitment of 60 PwD candidates, of whom 16 had secured between 30% and less than 40%, and the backlog was thereby virtually eliminated.

13. Bhagyadeep also participated in IOCL's GATE-2018 recruitment exercise. He obtained 24.97 marks in GATE, 35 marks in GD/GT and 4.5



marks in the PI. His consolidated marks were not calculated as he failed to meet the separate GD/GT qualifying requirement of 40 marks. IOCL accordingly states that he could not qualify for recruitment even with the relaxation of the consolidated qualifying marks to 30% in 2018.

The ONGC recruitment

14. The ONGC case concerns recruitment through GATE-2017 for the post of Assistant Executive Engineer (Mechanical). The score sheet records that Bhagyadeep obtained 22.2/60 marks in the GATE component, 20/25 marks for qualification and 5/15 marks in the interview, giving him an aggregate of 47.2 marks. The qualifying interview score for PwD candidates was 6/15. The cut-off for the PwD-HH category was 48.20, and 6 candidates in the PwD-HH category were empanelled.

15. The interview requirement pre-dated the GATE-2017 recruitment. ONGC's Office Order dated 11th September, 2003 prescribed 15 marks for interview and required SC/ST and physically handicapped candidates to secure 40% marks in the interview. It further stipulated that candidates were required to qualify at each stage separately. The Working Paper for the GATE-2017 recruitment continued this framework.

16. Bhagyadeep himself proceeded on this basis in his representations to ONGC. In his representation dated 1st July, 2017, he recorded that he had secured 5 marks in the interview against the qualifying requirement of 6 and requested one grace mark to enable his empanelment. In a subsequent representation dated 30th September, 2017, he reiterated the request and sought consideration against any vacancy arising due to non-joining of a selected HH candidate. ONGC declined the request, stating that there was no provision for grant of grace marks in the recruitment/selection process.



Submissions

17. Ms. Abiha Zaidi, counsel for the Petitioner, submits that the matter must be viewed in the context of a beneficial legislation intended to secure actual employment for PwDs rather than merely reserve vacancies on paper. She places reliance upon Sections 32, 33 and 36 of the 1995 PwD Act and Sections 20, 33 and 34 of the Rights of Persons with Disabilities Act, 2016 [“2016 RPwD Act”]. Her principal submission is that where reserved vacancies remain unfilled despite the availability of candidates with the identified disability, the employer is required to relax its standards rather than reject such candidates and add to the backlog.

18. Particular emphasis is placed upon Clause 22 of the DoPT OM dated 29th December, 2005. According to the Petitioner, Bhagyadeep had passed each individual component of IOCL’s 2014 selection. One of the two HH mechanical vacancies nevertheless remained vacant. IOCL’s own subsequent decision in 2018 to reduce the composite benchmark to 30%, it is urged, shows that the figure of 40 was not an immutable standard of fitness and could equally have been relaxed in 2014.

19. Reliance is also placed upon *UOI & Anr. v. National Federation of the Blind & Ors.*¹ and *Rajeev Kumar Gupta & Ors. v. UOI & Ors.*². It is submitted that once a post is identified as suitable for a particular disability, a person with that disability who fulfils the basic eligibility requirements must be regarded as suitable; the selection process cannot thereafter be employed to defeat the reservation by leaving the vacancy unfilled.

20. Mr. V.N. Koura, counsel for IOCL, contends that the Petitioner’s

¹ (2013) 10 SCC 772.

² (2016) 13 SCC 153.



formulation overlooks the distinction between eligibility, suitability and selection. Clause 22 was not ignored in 2014. PwD candidates were already competing at relaxed standards at several stages of the recruitment and the composite benchmark itself stood reduced from 45 to 40. A candidate below that level was treated as not suitable for appointment to the officers' cadre. The further reduction to 30 in 2018 was a conscious one-time decision taken four years later to liquidate accumulated backlog. It cannot be carried backwards into a concluded recruitment.

21. Mr. Naman Saraswat, counsel for ONGC, similarly submits that qualifying GATE only entitled a candidate to proceed to the next stage. The applicable recruitment framework required separate qualification in the interview, in which Bhagyadeep obtained 5 marks against the prescribed 6. There was no power to award him a grace mark.

22. Although ONGC's Counter Affidavit at places refers to Advertisement No. 07/2017 relating to GATE-2018, whereas Bhagyadeep's selection arose from Advertisement No. 03/2017 through GATE-2017, the contemporaneous 2003 Office Order and the 2017 Working Paper, read with the recruitment record, sufficiently establish the applicable qualifying requirement. The Court therefore does not propose to rest the decision upon ONGC's objection of waiver based on participation in the selection. The case can be decided on merits.

Discussion

Questions for Consideration

23. The case turns on the distinction between reservation of a post and suitability for appointment to it. The first question is whether identification of a post for persons with a particular disability means that every eligible



candidate with that disability is entitled to appointment, irrespective of the prescribed standard of suitability. If not, the further question is whether Clause 22 required IOCL to relax the 40% benchmark until the remaining reserved vacancy was filled.

24. The answer to both questions is negative. Identification of a post establishes that the post is suitable for persons with the specified disability; it does not dispense with an assessment of whether an individual candidate meets the prescribed standard for appointment. Nor does Clause 22 require the employer to keep lowering an already relaxed standard merely because a reserved vacancy remains unfilled.

Identification of Posts and Individual Suitability

25. *Rajeev Kumar Gupta* does not take the matter as far as the Petitioner suggests. The issue before the Supreme Court was whether the statutory reservation in identified Group A and B posts could be denied when such posts were filled through promotion, on the basis of the policy which restricted reservation in promotion to identified Group C and D posts. The Supreme Court held that it could not. It emphasised that the identification exercise under Section 32 of the 1995 PwD Act is crucial. Once a post is identified, it means that a PwD is fully capable of discharging the functions associated with that post. Reservation under Section 33 of the 1995 PwD Act must, therefore, follow irrespective of the mode of recruitment adopted for filling up the post.

26. The judgment was, thus, concerned with the effect of identification of a post and the consequent obligation to extend reservation. It did not address the standard by which an individual candidate is to be selected for an identified post. There is a distinction between identifying a post as one



which can be held by a person with a particular disability and determining whether an individual candidate satisfies the prescribed standard for selection to that post. *Rajeev Kumar Gupta* addresses the former. It does not hold that every candidate who meets the basic eligibility requirements for an identified post must necessarily be treated as suitable, or that an interview or another legitimate stage of selection is, for that reason, impermissible.

27. *National Federation of the Blind* dealt with the computation of reservation under Section 33 of the 1995 PwD Act. The Supreme Court held that the 3% reservation is to be computed with reference to the total number of vacancies in the cadre strength and not merely on the basis of vacancies in identified posts. It further clarified that identification under Section 32 is not a precondition for computation of the reservation and that the scope of identification comes into picture at the time of appointment of a person in a post identified for PwDs. Nothing in the judgment dispenses with the requirement that the person appointed against such vacancy must be suitable for the identified post. Section 36 of the 1995 PwD Act, in fact, expressly contemplates a reserved vacancy remaining unfilled where a suitable PwD is not available and provides for its carry forward.

Relaxation of Standards Under Clause 22

28. The question of relaxation was considered more recently in *In Re: Recruitment of Visually Impaired in Judicial Services*³. The Supreme Court first made it clear that the mere existence of vacancies cannot be a ground to claim relaxation in marks. In this regard, the Court referred, amongst other decisions, to *Taniya Malik v. Registrar General, High Court*

³ 2025 SCC OnLine SC 481.



*of Delhi*⁴, wherein it was held that the mere fact that additional posts had been advertised and remained vacant could not justify relaxation of the minimum interview marks after the interview had already been conducted.

29. The Supreme Court then considered the position where the governing rules or executive instructions confer a power to relax the prescribed standard. Referring to Clause 11 of the DoPT Office Memorandum dated 15th January, 2018, the Court held that relaxation of minimum marks is permissible where such a power is available to the appointing authority. In *Alok Singh v. State of MP*, which formed part of the same decision in *In Re: Recruitment*, the appellant had fallen short of the minimum interview marks despite vacancies being available in the PwD quota. The Supreme Court directed that the appellant and similarly placed candidates be considered in the light of the decision and, if otherwise eligible, for appointment against the vacant posts after applying the applicable relaxation provided for in the executive orders. Thus, while an unfilled vacancy does not, by itself, compel relaxation, a specific power of relaxation available under the governing instructions must be given due consideration.

30. That distinction is important in the present case. IOCL's stand is not that Clause 22 had no application to the 2014 recruitment. Its case is that the clause had already been acted upon: against the general composite standard of 45%, a relaxed composite standard of 40% was prescribed for PwD candidates. The question, therefore, is not whether IOCL was required to consider relaxation at all, but whether Clause 22 obliged it to relax the already reduced standard further merely because, as contended by the Petitioner, one reserved vacancy remained unfilled.

⁴ (2018) 14 SCC 129.



31. *Akhilesh Kumar v. UGC & Ors.*⁵ also requires some attention as it concerned the same Clause 22 that falls for consideration in the present case. This Court had held that the clause permits relaxation of suitability standards where sufficient PwDs are not available on the basis of the general or prescribed standard to fill the vacancies reserved for them. The petitioner therein was the only applicant for the vacancy reserved for a visually handicapped person and had been selected by the duly constituted Selection Committee. Although he had not, at the time of selection, acquired the requisite M.Phil qualification or cleared NET, UGC subsequently granted him accommodation by allowing him time to acquire the M.Phil degree. He acquired the qualification within the period granted and was thereafter absorbed on a permanent basis. The Court held that, in those circumstances, the grant of relaxation in the first instance was the appropriate approach and that the UGC could not thereafter withdraw the approval.

32. *Akhilesh Kumar*, thus, recognises the scope of Clause 22 to afford relaxation in suitability standards as a form of reasonable accommodation. It does not, however, address the question arising here, namely, whether Clause 22 requires a further reduction of a quantitative qualifying benchmark after a relaxed standard has already been prescribed.

The 40% Benchmark in the IOCL Recruitment

33. It is true that the IOCL GATE-2014 advertisement did not mention the composite qualifying scores of 45% and 40%. However, there is nothing on record to suggest that the 40% benchmark was introduced after the selection had commenced. In its affidavit filed in pursuance of the order dated 7th May, 2025, IOCL states that, in the GATE-2014 recruitment, PwD

⁵ 2014 SCC OnLine Del 935.



candidates were considered fit/suitable upon securing 40% or more in the aggregate, pursuant to Clause 22. Further, as stated in IOCL's Counter Affidavit, the 40% benchmark was subsequently reduced to 30% in 2018 as a one-time measure to fill accumulated carried-forward vacancies. The 40% benchmark was, therefore, not a later addition to the 2014 selection.

34. The line of authorities concerning the introduction or alteration of selection criteria after a recruitment had commenced, therefore, do not apply in the present case. The issue is whether the existing relaxed benchmark of 40% was required to be reduced further merely because one reserved vacancy remained unfilled.

35. IOCL had already relaxed the general composite standard from 45% to 40% for PwD candidates. Bhagyadeep's composite score was 31.893. Although he cleared the separate GD/GT and interview thresholds, he did not meet the composite standard for inclusion in the final merit list.

36. Even assuming that one HH vacancy remained unfilled, that did not oblige IOCL to lower the benchmark until Bhagyadeep qualified. Section 36 of the 1995 PwD Act expressly contemplates that a reserved vacancy could remain unfilled for want of a suitable candidate and provides for its carry-forward. An unfilled vacancy, therefore, attracts the statutory carry-forward regime; it does not make every available candidate suitable.

37. IOCL's decision of 2018 does not alter this conclusion. Its pleading on this aspect is worth recalling:

"...as a one-time measure the Respondent Corporation decided to reduce the minimum consolidated qualifying marks to 30% in 2018 with view to fill up the accumulated carried forward vacancies..."

38. That exercise resulted in 16 candidates, who had scored between 30



and 40, being recruited and, according to IOCL, virtually eliminated the accumulated backlog.

39. This shows that the standard was capable of relaxation. It does not show that the standard applied in 2014 was unlawful. The 2018 exercise was a policy response to the position that had developed by then. There is no principle by which a later and expressly one-time relaxation must retrospectively be transplanted into an earlier selection. Bhagyadeep's participation in the 2018 recruitment exercise also does not alter this position. He did not meet the separate qualifying requirement in GD/GT even in that recruitment and, consequently, could not avail of the 30% composite benchmark introduced for that year. His participation in the 2018 exercise therefore neither affects the validity of the 40% benchmark applicable in 2014 nor gives him any right to claim the benefit of the subsequent 30% relaxation in the 2014 selection.

40. IOCL has referred in its pleadings to Article 335 of the Constitution of India while explaining its standards. We do not place our conclusion on Article 335, which is concerned with the claims of members of the Scheduled Castes and Scheduled Tribes. The point here is simpler. Disability reservation does not exclude the prescription of a reasonable minimum standard of suitability, and Clause 22 permits relaxation of that standard without requiring the standard to be reduced indefinitely.

41. The Court is conscious that the CCPD order dated 15th February, 2017 does not undertake this analysis and, in particular, does not discuss Clause 22. In an ordinary case, that omission might have justified reconsideration. It would serve little purpose now. The selection is of 2014. The matter is before us in 2026. Complete pleadings have since been filed; IOCL has



produced its assessment record and filed an additional affidavit specifically pursuant to this Court's orders; and both sides have addressed the point at length. The issue can therefore be decided on the record before us rather than being sent back for reconsideration.

The ONGC Recruitment

42. This Court also does not find any ground to interfere with the ONGC selection. Even assuming in favour of the Petitioner that the 2016 RPwD Act governed that recruitment, Section 20 or Section 34 do not confer a right to have marks added to a candidate's interview score. Bhagyadeep was required to obtain 6 marks in the interview, whereas he obtained 5. His aggregate of 47.2 was also below the cut-off score of 48.20 reflected against the PwD (HH) category. More importantly, his own contemporaneous request was not that he had satisfied the prescribed standard; it was a request that one additional mark be granted so that he could do so.

43. There is also no provision in the applicable ONGC recruitment framework for the award of a grace mark. The non-joining of an empanelled candidate does not create such a power. If a reserved vacancy remained unfilled, Section 34 of the 2016 RPwD Act provided for its treatment in accordance with the statutory carry-forward mechanism. It did not, however, require the marks secured by a candidate to be altered after the selection so as to bring him within the prescribed qualifying standard.

The Other Challenges

44. The broader challenge to interviews, GD/GT and similar stages of selection also cannot succeed. Such processes may be open to challenge if they disadvantage a candidate on account of disability or impose barriers unrelated to the post. However, there is nothing on record to suggest that



either selection suffered from such an infirmity. Bhagyadeep cleared the separate interview and GD/GT thresholds in the IOCL recruitment but fell short of the composite score. In the ONGC recruitment, he did not secure even the relaxed minimum prescribed for PwD candidates in the interview.

45. One of the remaining prayers seeks a direction to IOCL and ONGC to fill vacant or carried-forward posts of previous years from amongst candidates who were eligible in the corresponding year on the basis of their GATE results, before filling vacancies of subsequent years. The premise underlying this prayer has already been considered and rejected. Qualification in GATE by itself does not entitle a candidate to appointment against a reserved vacancy without satisfying the further qualifying standards prescribed in the relevant recruitment process.

46. The other prayers, *inter alia*, seek directions to Government Establishments/PSUs concerning the manner in which vacancies are to be filled, as well as the creation of a Special Employment Exchange or a Centralised Admission Committee and the appointment of an independent medical authority. These are matters of general policy and institutional arrangement extending beyond the two recruitment exercises in question. No occasion therefore arises to issue such directions in the present proceedings.

Effective Implementation of Reservations for PwDs

47. One observation is necessary. The statutory reservation for PwDs is not satisfied merely by identifying posts and mechanically carrying vacancies forward from year to year. *National Federation of the Blind* and *Rajeev Kumar Gupta* emphasise the obligation to give meaningful effect to the reservation framework. Public employers must periodically examine whether their standards and processes are needlessly excluding persons with



disabilities and must use the powers of relaxation available to them where circumstances justify it. IOCL's 2018 exercise is itself an example of such review. The obligation to make reservation effective, however, is not the same thing as an individual right to appointment notwithstanding failure to meet the standard which lawfully governs the selection.

Conclusion

48. In view of the findings recorded above, this Court finds no ground to direct appointment of the Petitioner's son either in IOCL on the basis of the 2014 recruitment or in ONGC on the basis of the 2017 recruitment.

49. The writ petition is, accordingly, dismissed.

SANJEEV NARULA, J

SEPTEMBER 14, 2026/hc/nk