

ITEM NO.24

COURT NO.1

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 S

SUO MOTO WRIT PETITION No.2/2024

IN RE: RECRUITMENT OF VISUALLY IMPAIRED IN JUDICIAL SERVICES

Date : 21-03-2024 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE MANOJ MISRA

Mr. Gaurav Agarwal, Sr. Adv. (A.C.)
Mr. Ravi Raghunath, AOR
Mr. Manan Daga, Adv.

For Petitioner(s)

By Courts Motion

For Respondent(s)

Mr. Arjun Garg, AOR
Mr. Aakash Nandolia, Adv.
Ms. Sagun Srivastava, Adv.
Ms. Kriti Gupta, Adv.

Mr. Sunny Chaudhry, Adv.

UPON perusing papers the Court made the following
O R D E R

- 1 This Court has taken *suo moto* cognizance of a letter which was addressed to the Chief Justice of India by a mother of a visually impaired candidate who aspires for appointment in the judicial service of the State of Madhya Pradesh.

- 2 Notice has been issued on 7 March 2024. We have requested Mr Gaurav Agarwal, senior counsel to assist the Court as *Amicus Curiae* with Mr Ravi Raghunath, counsel. Mr Arjun Garg, counsel has accepted notice on behalf of the High Court of Madhya Pradesh. Mr Sunny Chaudhary, counsel accepts notice on behalf of the State of Madhya Pradesh. Notice shall also be served on the Central Agency.
- 3 The preliminary examinations have been conducted by the High Court on 14 January 2024. About twenty-one thousand candidates participated in the preliminary examination. The forms for the final examination are to be filled up by 23 March 2024. The main examination is scheduled to be held on 30 and 31 March 2024. Since the preliminary examinations have already been held, this order would govern those candidates who undertook the preliminary examination and claim to belong to the categories falling within the purview of the Rights of Persons with Disabilities Act 2016 specifically against those who fulfill the benchmark disability prescribed for reservation.
- 4 No reservation was contemplated for persons suffering from visual impairment in the 2022 recruitment examination for Civil Judge Class-II in the State of Madhya Pradesh as submitted by Mr Arjun Garg, counsel for the High Court of Madhya Pradesh.
- 5 Bearing in mind the ends of justice, we issue the following ad interim directions at this stage:
 - (i) Such visually impaired candidates who have received the minimum qualifying marks in their respective categories at the preliminary examination are permitted to send an email at regexamhcjbp@mp.gov.in with their roll number in the preliminary examination together with their marks and their certificates of fulfilling the benchmark disability by 10 pm on 23 March 2024;

- (ii) While forwarding an email on the above email ID, if any candidate requires any specific accommodation in terms of lights and lamps at the main examination, this shall be indicated to the High Court so as to enable it to do so.
- (iii) On receiving the above email, the High Court shall verify all details and issue admit cards online through email by 25 March 2024;
- (iv) On receiving the admit card, the above candidates will be permitted to sit for the main examination without insisting on physically filling in a form for the main examination;
- (v) The participation of the candidates in the main examination which is scheduled to be held on 30 and 31 March 2024, will be subject to the outcome of the present proceedings and without prejudice to the rights and contentions of the parties;
- (vi) The Registrar General of the High Court shall ensure that due publicity is given to this order on the website of the High Court and in the newspapers;
- (vii) Since the High Court has stated that in view of the absence of reservation, it does not have specific information in respect of the number of candidates at the preliminary examination who suffer from benchmark disability of visual impairment, the Registrar General shall ensure that whatsapp messages are sent to all the candidates who have cleared the preliminary examination within their respective categories so that those among them who fulfill the benchmark disability requirement for visually impaired candidates are able to obtain the benefit of the present order;

- (viii) The High Court shall make arrangements to permit a scribe for each visually impaired candidate who will appear for the main examination. Such candidates shall also be given additional time to complete the examination at the rate of 20 minutes per hour of the examination; and
- (ix) Arrangements made for the visually impaired candidates shall be such so as to ensure that they are allowed separate space to obviate inconvenience to other candidates who are taking the same examination.
- 6 We request Ms Aishwarya Bhati, Additional Solicitor General to assist the Court on behalf of the Union of India and Department of Empowerment of Persons with Disabilities of the Government of India.
- 7 List the Petition on 15 April 2024.

(CHETAN KUMAR)
A.R. -cum-P.S.

(SAROJ KUMARI GAUR)
Assistant Registrar