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A Win for Disability Justice: Bureaucratic Delay Cannot Override Equal Opportunity

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Introduction: When Disability Becomes an Administrative Hurdle

The rights of persons with disabilities (PwDs) in public employment are protected as a matter of welfare, and as a constitutional and statutory mandate under the Rights of Persons with Disabilities Act, 2016 ("RPwD Act"). Yet, in practice, candidates with disabilities often find themselves trapped in bureaucratic loops especially during verification of disability certificates resulting in lost opportunities.

The recent judgment of the Madhya Pradesh High Court in *Sonu Singh Narwariya v. State of MP*¹ (2025) squarely addresses this issue, holding that **disability verification procedures cannot be used to deny appointment**, especially when the candidate is faultless. The Court's intervention reaffirms a simple but powerful truth: administrative procedures cannot be weaponized to defeat the rights of disabled candidates who are otherwise fully qualified. The ruling marks a significant step in reinforcing fairness, equal opportunity, and non-discrimination in recruitment of persons with disabilities.

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Factual Matrix: A Candidate with 40% Locomotor Disability Left Waiting

The petitioner, Sonu Singh Narwariya, a candidate with a 40% permanent locomotor disability, was duly selected under the OBC/Locomotor Disability (LD) category for the post of *Uchch Madhyamik Shikshak*. He completed all formalities on time, submitted a valid disability certificate, and appeared for every medical examination as directed.

However, his appointment remained stalled due to a chain of administrative lapses:

1. Authorities insisted on multiple layers of disability verification, despite the existence of a valid certificate.
2. The Medical Board delayed issuing the final confirmation regarding the permanent nature of his disability.
3. By the time the clarification was furnished, the selection list had lapsed by just a few days.
4. The State then relied on this expiry to deny him appointment altogether.

These circumstances raised the central legal question before the Court:

Can a candidate with disability be denied appointment merely because the State's own disability-verification process exceeded the validity period of the select list?

The High Court answered **no**.

Core Legal Question: The Intersection of Disability Rights and Recruitment Validity

1. Does a candidate's right to appointment lapse due to administrative delay, even when the delay pertains to disability verification?

The Court held that **a PwD candidate cannot be penalised for systemic delay**. His initial disability certificate was never doubted and the insistence on multiple verifications triggered by concerns unrelated to him could not be used to justify

withholding his appointment..

2. Can procedural rigidity override the principle of reasonable accommodation?

The RPwD Act is anchored in three foundational principles:

- **equal opportunity**
- **non-discrimination**, and
- **reasonable accommodation**.

The Court held that applying recruitment timelines mechanically, despite known administrative delays, would undermine the very objectives of disability reservation. Recruitment rules must therefore be interpreted **in a manner that furthers, rather than frustrates**, the rights of persons with disabilities.

3. Does mere inclusion in a select list create a right to appointment?

While the State argued the classic principle that *selection does not create an indefeasible right to appointment*, the Court invoked *Asha Kaul v. State of J&K*² and *Shankarsan Dash v. Union of India*³ to clarify:

- The State must act **fairly, reasonably, and non-arbitrarily**.
- A selection process cannot be turned into a **farce** by allowing internal delays to nullify a qualified candidate's claim.

By doing so, the Court harmonised general service law with the **heightened obligations owed to disabled candidates**, reinforcing that procedural technicalities cannot defeat substantive rights.

Court's Findings: Administrative Delay Cannot Be Used to Defeat Disability Rights

The Court categorically held that the petitioner bore no responsibility for the delay in completing the disability verification process. He appeared for every medical examination and complied with all directions in a timely manner. The delays arose entirely due to the authorities' insistence on multiple, overlapping verifications across different medical boards, despite the petitioner already possessing a valid 40% locomotor disability certificate whose genuineness was never questioned. In such circumstances, the Court held that the expiry of the select list could not be used to deny him appointment, as doing so would allow the State to take advantage of its own administrative lapses and undermine principles of fairness and legitimate expectation. The Court further highlighted that persons with disabilities are entitled to heightened protection under the RPwD Act, and that recruitment authorities must adopt a sensitive and flexible approach rather than rigidly adhering to procedural timelines that disproportionately harm disabled candidates.

Judgment Passed: Key Takeaways

1. Petition Allowed

The Madhya Pradesh High Court allowed the writ petition filed by the petitioner, Sonu Singh Narwariya, who was selected for the post of *Uchch Madhyamik Shikshak* under the OBC/Locomotor Disability quota.

2. Appointment Directed Within 60 Days

The Court directed the State authorities to issue the appointment order in favour of the petitioner within 60 days from the date the certified copy of the order is submitted. This means the State cannot refuse or defer his appointment any longer.

3. Court Held the Petitioner Was Not at Fault

The Court found that:

- The petitioner attended every medical examination on time.
- He complied with all requirements immediately when asked.
- There was no delay on his part at any stage.

All delays were attributable to:

- The cumbersome and repetitive verification procedure, and
- The slow response of the Medical Board and hospital authorities.

4. Disability Certificate Was Already Valid

The petitioner already possessed a legitimate disability certificate confirming 40% permanent locomotor disability, and:

- Its authenticity was never questioned by the State.
- Multiple verifications were triggered due to fraud concerns in *other districts*, not due to any doubt about the petitioner.

Thus, he was fully eligible for appointment from the start.

5. State Cannot Use Its Own Delay to Deny Appointment

The State argued that the select list had expired before the final verification report came in.

The Court rejected this argument, holding that:

- The State cannot take advantage of its own administrative delays, and
- Using the select list expiry to deny appointment would be arbitrary and unfair.

The Court emphasised that fairness is an essential part of recruitment and public administration.

6. Disabled Candidates Must Not Suffer Due to Procedural Rigidity

The Court implicitly recognized that:

- Persons with disabilities are entitled to heightened protection under the RPwD Act.
- Rigid adherence to procedural timelines cannot override substantive rights especially when delays stem from government processes.

Final Direction of the Court

The High Court directed:

- **Issuance of appointment order within 60 days,**
- Recognizing his **40% permanent locomotor disability,**
- Rejecting the State's reliance on the selection list expiry.

This establishes that procedural delays in disability verification cannot override the substantive right of a disabled candidate to be considered for appointment.

Why This Judgment Matters: Strengthening Disability Inclusion in Public Employment

1. Prevents systemic exclusion: PwDs often face more verification hurdles than non-disabled candidates. This ruling ensures that such hurdles cannot cost them their jobs.

2. Shifts the burden to the State: If authorities require multiple verifications, the resulting delay cannot be used against the candidate.

3. Aligns recruitment practices with the RPwD Act

The Act mandates:

- **reasonable accommodation,**
- **non-discrimination,**
- **barrier-free access to employment.**

This judgment operationalizes these principles.

4. Sets a precedent for similar cases nationwide: Across India, PwD candidates face appointment delays due to repeated medical examinations. This case gives them a strong judicial basis to challenge such practices.

Conclusion: Disability Should Not Be a Procedural Disadvantage

The Madhya Pradesh High Court's ruling reinforces a crucial principle: **the State cannot rely on its own administrative lapses to deny the statutory and constitutional rights of persons with disabilities.** By grounding its reasoning in fairness, non-discrimination, and the objectives of disability reservation, the Court makes it clear that verification procedures must enable rather than obstruct access to public employment.

This judgment stands as a reminder to all government authorities that recruitment processes must protect, not compromise, the dignity and equal opportunity guaranteed to disabled candidates. Administrative procedure cannot become a barrier where the law promises inclusion.

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