BALAJI GOVINDRAO PANCHAL
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2665 OF 2025

Teklal Kumar Das]
S/o Bhuneshwar Ravidas]
Age-26 yrs., Occupation-Student,]
Residing at MW-32-A, Building No.01,]
Behind Hostel 15, Hill Side Area]
IIT-Bombay Campus, Powai,]
Mumbai -400 076.]
Aadhar Card No.402844671536]
PAN Card No.FTFPD0316H]
Email: teklalkumar.grd@gmail.com]
10002049@iitb.ac.in]
Mobile-8581048380] ...**PETITIONER**

Versus

1. The Secretary,]
Union Public Service Commission]
A body constituted under the]
relevant Provision of Constitution]
of India, Having its office at]
New Delhi, Dholpur House,]
Shahjahan Road]
New Delhi – 110 011.]

2. The Secretary]
Government of India, Ministry of]
Mines, Room No.320-A-Wing,]
Shastri Bhavan, New Delhi-110 001.]

3. The Director General]
Geological Survey of India]
27, JL Nehru Road,]
Kolkata – 700 016.]

4. The Chairperson]
Central Standing Medical Board]

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Safdarjung Hospital & VMCC]
Old Building, Near Accounts]
Department, Adjacent to I.V.]
Fluid Department]
New Delhi – 110 029.]

5. Union of India]
Through the Law Ministry]
Marine Lines, Mumbai] ...**RESPONDENTS**

...

Mr. Anjani Kumar Singh a/w Ms. Vritika Bhatia i/by Ms. Shilpa Prashant Gaikwad, for the Petitioner.

Dr. Vinod Joshi a/w Ms. Gayatri Khanwilkar, Ms. Roma Salunke & Ms. Valissa Alphanso, for the Respondent No. 1.

Mr. Pranil Sonawane a/w Ms. Vedashree Phadke & Ms. Vaishnavi Dalvi, for Respondent Nos. 2, 3 & 5.

...

CORAM : MAHESH CHANDRA TRIPATHI, CJ. &
ADVAIT M. SETHNA, J.

RESERVED ON : 13th OCTOBER, 2026.
PRONOUNCED ON : 3rd NOVEMBER, 2026.

JUDGMENT (Per, Mahesh Chandra Tripathi, CJ.)

1. Heard Mr. Anjani Kumar Singh, learned Counsel for the Petitioner, Dr. Vinod Joshi, learned Counsel for the Respondent No. 1 and and Mr. Pranil Sonawane, for Respondent Nos. 2, 3 & 5.

2. Rule. Rule made returnable forthwith, with the consent

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of parties. Heard finally.

3. The instant Writ Petition is preferred questioning the validity of the order dated 1st October, 2024 passed by Central Administrative Tribunal, Mumbai Bench, Mumbai (for short "***Tribunal***") in Original Application No. 1094 of 2024 (for short "***Impugned Order***"), whereby the Tribunal rejected the Petitioner's challenge to the communication dated 30th August, 2023 issued by Respondent No.2 Ministry of Mines, Government of India, rejecting the Petitioner's candidature for appointment as Geophysicist in the Geological Survey of India through Combined Geo-Scientist Examination, 2022 (for short "***CGSE-2022***") on the ground of non-fulfillment of the functional requirements of the post.

A. <u>BRIEF FACTS OF THE CASE</u> :-

4. The Petitioner holds a M.Sc. in Applied Geophysics, completed on 20th August, 2022 and belongs to the Scheduled Caste category. The Petitioner as per his latest Medical Certificate dated 9th April 2024 is certified to be 55% physically handicapped person.

5. As per the Examination Notice No. 02/2022-GEOL dated

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22nd September 2021 published by the Respondent No.1-Union Public Service Commission (for short "***UPSC***"), three vacancies for post of Geophysicist- Group 'A' were reserved for candidates with Locomotor Disability or Cerebral Palsy [OH (OA/OL)]. The Petitioner being eligible for the same applied for the post of Geophysicist- Group 'A'.

6. The Petitioner appeared for Stage-I-Preliminary Examination of UPSC Combined Geo-Scientist Examination for the post of Geophysicist, Group-A on 20th February 2022 thereafter cleared the Stage-I examination and appeared in Stage-II Main Examination which was held on 25th June 2022 and 26th June 2022. The Petitioner qualified the preliminary and main examination of CGSE-2022, thereafter the Petitioner's name was shortlisted to appear for personality test at UPSC Bhavan on 17th January, 2023.

7. The final result was declared by Respondent No.1-UPSC on 31st January, 2023 where the Petitioner's name was recommended by the Respondent No.1- UPSC for the post of Geophysicist (Group 'A') in Geological Survey of India under Ministry of Mines (Government of India).

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8. The Petitioner's medical examination for the said post was conducted on 29th April 2023 at Safdarjung Hospital before the Committee of "Central Standing Medical Board" (for short "***CSMB***") i.e Respondent No.4, at New Delhi.

9. Subsequently, the Respondents declared the result of medical examination of the qualified candidates of the CGSE-2022 on official website of Ministry of Mines dated 5th July, 2023, in which Petitioner's name find place at Sr. No. 158 with the result shown as 'Pending'. As the result of Petitioner was not declared/ kept pending, he contacted to the Section Officer from the department and inquired whether the department has received the updated report from CSMB. The Section Officer responded that the department had received the updated report and CSMB has mentioned therein that the Petitioner is fit under Physically Handicapped (for short "***PH***") category with 55% both leg disability.

10. The Petitioner was certified as Fit under PH Category with a noting of (BL 55%) by the CSMB Medical Report dated 29th April 2023.

11. Thereafter, the Petitioner received a communication 30th

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August, 2023 from the Respondent No.2- Ministry of Mines stating that the Petitioner's candidature is not considered for appointment to the post of Geophysicist in Geological Survey of India through CGE-2022 due to non-fulfillment the functional requirement of the post.

12. The said communication was assailed by the Petitioner in Writ Petition No. 12744 of 2023. The Co-ordinate Bench of this Court disposed of the said matter *vide* order dated 4th December, 2023 relegating the Petitioner to approach the Tribunal. Consequently, the Original Application No. 15 of 2024 was preferred by the Petitioner before the Tribunal, which was disposed of *vide* order dated 19th January, 2024 directing the Respondent No. 2- Ministry of Mines to decide the representation of the Petitioner within two months.

13. By a speaking order dated 3rd April, 2024, the representation made by the Petitioner dated 5th February 2024 was rejected *inter-alia* due to non- fulfillment of functional classification for the post of Geophysicist by the Petitioner.

14. The speaking order dated 3rd April, 2024 was challenged on various grounds by the Petitioner before the Tribunal by

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filing Original Application No. 1094 of 2024.

15. The Tribunal dismissed the said Original Application No. 1094 of 2024 *vide* Impugned Order dated 1st October, 2024, which is assailed in the instant proceeding. For ready reference, the Impugned Order dated is reproduced hereunder :-

> *"We have heard learned counsel for the applicant at the admission stage.*
>
> *2. The applicant had made application for the post of Geophysicist in GSI through Combined Geoscientific Examination 2022. The applicant has 55% disability. His both legs are affected. The respondents rejected the candidature of the applicant on the ground that the candidate does not fulfill the requirement. According to respondents, the requirement is HH- Hard of Hearing or OL-One leg affected or OA-One arm affected as identified for performing the duties associated with the post of Geophysicist in GSI.*
>
> *3. Learned counsel for the applicant submits that the applicant has been declared by Medical Board as fit and he is capable of performing all kinds of works. We do not find any force in this submission. The requirement for the post of Geophysicist is the one mentioned above. The applicant does not answer these requirements. Therefore, his application was rightly rejected. OA is, without any substance. Hence, it is dismissed with no orders as to costs. Pending MAs, if any, stand closed."*

16. The record reflects that the Co-ordinate Bench has issued a notice on 27th February, 2025 returnable on 27th March, 2025. Thereafter the matter was listed on various dates and on account of paucity of time, the matter could not be taken up.

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Subsequently, the same was taken on 24th September, 2025 where an interim relief was accorded to the Petitioner by directing the Respondent No.2 not to fill up the post for which the Petitioner was selected by the UPSC till the next date of hearing.

B. <u>SUBMISSIONS ON BEHALF OF PETITIONER</u>:-

17. Ld. Counsel for the Petitioner would vehemently contend that Tribunal has failed to appreciate and even not discussed the fact that the Petitioner, who is suffering from 55% disability had not only successfully passed the physical requirement test conducted at the time of his medical examination, but in fact is declared medically fit under PH category (BL 55%) by the Respondent No.4- CSMB.

18. He would submit that while passing the Impugned Order, the Tribunal has utterly failed to appreciate that the Petitioner, who had not only qualified the preliminary and main examination of CGSE-2022 but had also cleared the personality test on 17th January, 2023 and thereafter he was duly recommended by the Respondent No.1-UPSC for the post of Geophysicist, Group-A in the Geological Survey of India

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under Ministry of Mines.

19. Ld. Counsel for the Petitioner would submit that the Petitioner had submitted online RTI Application on 4th September 2023 seeking copy of Medical Report sent to the Respondent No. 2 after 9th August 2023 and also seeking list of physically challenged candidates with locomotors disability appointed to the post of Geophysicist in GSI since 2014. To this, the Respondent No.2 vide its reply dated 22 September 2022 stated that no such information and list is available on record further such information does not come under the purview of Right to Information Act, 2005.

20. He would submit that the medical examination was conducted under the aegis of the Respondent No.4- CSMB, which had declared the Petitioner Fit under PH category (BL 55%), since disability is above 40% as per gazette guidelines.

21. He would further submit that once the Respondent No.4-CSMB declared the Petitioner medically fit for the post, the Respondent No. 2 could not have rejected the candidature of the Petitioner.

22. He would further submit that the Tribunal has utterly

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failed to take even note of the factual aspect that the Petitioner has cleared all three stages of the CGSE, 2022 and was duly recommended by the Respondent No.1- UPSC for appointment to the post of Geophysicist.

23. Ld. Counsel for the Petitioner would submit that the post in question requires primary three duties i.e. (i) Acquisition of geophysical data and subsurface mapping using appropriate geophysical methods which require a field work; (ii) Processing of acquired geophysical data which is an office desk job; and (iii) Modelling and preparation of interpretive maps and documenting of conclusions which is again an office desk job.

24. He would further submit that the Tribunal failed to appreciate the fact that about two third i.e. 70% duties of a Geophysicist group are of office desk job and as such under PH category with 55% with both legs disability, the Petitioner can perform the duties of field work with utmost dedication and hard work.

25. Ld. Counsel for the Petitioner relied upon CSMB Medical Report and has consistently claimed before the concerned

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authority as well as before the Tribunal that he is capable to perform all activities meant for Geophysicist without any major external support and had also performed geological field work at Chunar, Mirzapur and Sonbhadra districts of Uttar Pradesh at the time of pursuing his B.Sc. degree course at Banaras Hindu University, Varanasi in 2018 and 2019.

26. Ld. Counsel for the Petitioner would submit that the Tribunal has failed to consider the principle of Reasonable Accommodation as established by the Supreme Court in catena of decisions. He would submit that the principle of Reasonable Accommodation is not only statutorily prescribed but also rooted in the Fundamental Rights guaranteed to persons with disabilities under Part III of the Constitution of India. In support of the above, the Ld. Counsel for the Petitioner would rely on the decisions of the Supreme Court in ***Sujata Bora Vs. Coal India Limited and Others***[1],***Omkar Ramchandra Gond Vs. Union of India***[2] and ***Om Rathod Vs. Director General of Health Services and Others***[3]**.**

27. Ld. Counsel for the Petitioner would submit that

1 2026 SCC OnLine SC 58
2 2024 INSC 775
3 2024 SCC OnLine SC 3130

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Impugned Order is liable to be quashed and set aside and accordingly the Respondents concerned be directed to permit the Petitioner to join the post of Geophysicist Group-A as the same is already kept vacant in view of the interim order dated 24th September 2025 passed by the Co-ordinate Bench of this Court.

C. <u>SUBMISSIONS ON BEHALF OF RESPONDENTS</u> :-

28. *Per contra*, learned Counsel for the Respondents would resist the reliefs sought by the Petitioner and submit that the communication dated 30th August 2023 issued by the Respondent No.2- Ministry of Mines as well as the Impugned Order are sustainable, as the eligibility criteria for post of Geophysicist as per Examination Notice dated 22nd September, 2021 clearly specified that only candidate with functional classification such as HH- Hard Hearing, OL- One Leg affected or OA- One Arm affected are eligible for appointment, whereas the Petitioner's disability classification of BL (Both Legs affected) does not meet this criteria.

29. Ld. Counsel for the Respondents would submit that the the communication dated 30th August, 2023 rejecting the

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Petitioner's candidature was made in full compliance with the applicable rules and regulations.

30. Ld. Counsel for the Respondents would further submit that as the entire claim is set up on the basis of the CSMB Medical Report, which clearly stated that the Petitioner was medically fit under PH category with 55% disability due to impairment of both legs, the same was in accordance with the Rights of Persons with Disabilities Act, 2016 (for short "***RPwD Act***"). It is further submitted that on the basis of the said medical report, it cannot be presumed that the Petitioner has cleared the benchmark disability, which is required to meet physical requirements and functional classifications consistent with the requirement of the post as mentioned.

31. Ld. Counsel for the Respondents would submit that it is not in dispute that as per the Medical Report issued by the Respondent No.4- CSMB, which affirms the Petitioner's classification BL (Both Legs) with disability, this classification was consistent with medical findings and it is unequivocally established that the Petitioner's condition falls under the category that does not meet the functional requirement for the

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post of Geophysicist.

32. It is further submitted that the Respondent No.2-Ministry of Mines vide its communication dated 30th August 2023, rightly informed the Petitioner that his candidature could not be considered for appointment to the post of Geophysicist due to non-fulfillment of the essentially functional classification criteria.

33. Ld. Counsel for the Respondents would therefore submit that the Tribunal has not erred in law and in view of the admitted situation, there is no infirmity or illegality in the Impugned Order, which warrants any interference in the writ jurisdiction.

D. <u>DISCUSSIONS AND FINDINGS</u> :-

34. We have heard the rival submissions and perused the record. In the instant matter, what we find is that the Petitioner was finally recommended person with disability (PwD) candidate of CGSE-2022. However, eventually his candidature was rejected by the Respondent No. 2-Ministry of Mines vide communication date 30th August 20243 for the reason that he has been found medically unfit due to non-

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fulfillment of functional requirement of the post.

35. The Respondent No. 1-UPSC was entrusted to conduct various examinations for appointment to the services of the Union. As the instant matter relates to CGSE, 2022 for various posts in the Geological Survey of India, (Ministry of Mines), in category-I (Posts, which relates to post in the Geological Survey of India, Ministry of Mines) consisted of (i) Geological, Group-A (ii) Geophysicist, Group-A (iii) Chemist, Group-A.

36. It is an admitted position that in the said examination, the Petitioner had cleared (a) Stage-I i.e. Combined Geo-Scientist (Preliminary) Examination (b) Stage-II i.e. Combined Geo-Scientist (Main) Examination and (c) Stage-III Personality Test/Interview.

37. After all three stages of the examination, the final result was declared by the Respondent No.1-UPSC on 31st January, 2023 and accordingly the Respondent No.1 had recommended the Petitioner for appointment to the post of Geophysicist, Group A.

38. Consequently the dossier of the Petitioner was forwarded to the Respondent No. 2 on 21st March, 2023 and as per the

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procedure Nodal Ministry (Ministry of Mines) in the instant matter arranges the medical examination of the recommended candidates after they receive dossiers/report of the recommended candidates from the Respondent No.1-UPSC. At the said stage, the medical examination with the Respondent No.4-CSMB, Safdarjung, New Delhi in its Medical Report has recorded the Petitioner Fit under PH category with 55% disability in both legs.

39. Subsequently, Respondent No.2- Ministry of Mines *vide* letter dated 30th August, 2023 informed the Petitioner that his candidature was not considered for the appointment of the post of Geophysicist in the Geological Survey of India through CGSE-2022 due to non-fulfillment of the functional requirement for the said post. The functional requirement that disability should be of one leg, however, the Petitioner's disability as per the finding of the CSMB was both legs (55%) and accordingly, his candidature was not considered.

40. For ready reference, in order to appreciate the issue in hand, we take note of the Rules of CGSE Examination-2022, which has specified functional classifications and physical

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requirements for persons with benchmark disability for the post of Geophysicist as per details given below :-

Sl. No.	*Functional Classification*	*Physical Requirement*
1.	*HH*	*S, ST, BN, MF, SE, W, KC, C*
2.	*OA,* ***OL***	*S, ST, BN, MF, SE, W, KC, C*

Note: HH-Hard Hearing, H-Hearing, SP-Speaking, S-Sitting, ST-Standing, W-Walking, MF-Manipulation by fingers, RW-Reading & Writing, SE-Seeing, OA-One Arm Affected, ***OL-One Leg Affected****, OLA-One Leg One Arm Affected, N-Numerical Calculation Ability, BL-Both Legs Affected, BN-Bending, KC-Kneeling, C-Communication."*

41. In matters such as the present, we are obligated to follow the report/opinion of experts like the CSMB/Medical Board in this case. In the said Report dated 29th April 2023, the Respondent No.4-CSMB in Note-I records that the Petitioner is Fit under PH-Category having disability in both legs at 55%. In view thereof, even in the findings recorded by the Respondent No.4 for the present proceedings finds the Petitioner Fit but classifies him under PH category (BL 55%). This aspect requires clarification from the perspective of the functional requirements in the given post qua the Petitioner's condition as per the prevalent norms, Rules and Regulations. Such findings in the Medical Report would constitute an expert

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opinion which cannot be substituted for the views/opinion of the Court.

42. In the above backdrop, we have carefully perused the Impugned Order of the Tribunal. In our considered view the same is cryptic, there is no finding much less reasoning recorded on the aspect of the conclusion reached by the Respondent No.4-CSMB in the present proceedings where there is appears to be contradiction as narrated above. What is *quint essential* in such cases a specific finding by an expert/medical board as to whether the candidate/person concerned is Fit for the present post *qua* the functional requirements of the such post. In the present case, it is that of Geophysicist Group -A. There is no specific finding returned by the Tribunal on this crucial aspect of the matter, given that otherwise the Petitioner had cleared three stages of examination, after which he was recommended by the Respondent No.1-UPSC to the said post.

43. In our considered view, is in the interest of substantial justice, to have a finding returned by the Medical Board which is an expert in the field to certify whether the Petitioner who

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otherwise Fit having disability of 55% in both legs, though remarked as Fit, is both able and capable, in terms of fitness, to carry out the functional requirements and expectations from such post.

44. We do not find any such finding and/or reasoning recorded in the Impugned Order of the Tribunal. In this context, the Petitioner was before this Court, *prima facie*, in our brief interaction with him and his gait, walk, we also found him otherwise Fit. However, our opinion is not sufficient in matters like these. There has to be a proper medical/scientific report certifying as to whether the person concerned is functionally able to carry out the responsibilities and duties as the post/job would demand.

45. In this background, the Supreme Court in series of judgments has highlighted the concept of "Reasonable Accommodation" being a concept enshrined in RPwD Act, which emanates from Article 41 of the Constitution of India read with Articles 14 and 21 of the Constitution. The Supreme Court in ***Sujata Bora (Supra)*** while referring to its decision in ***Omkar Ramchandra Gond (Supra)*** has considered that to

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ensure full and effective participation of the persons with disabilities in the society, the concept of 'reasonable accommodation' must be interpreted broadly.

46. In ***Omkar Ramchandra Gond (Supra)***, the Supreme Court observed as under :-

> *"40. …Section 2(y) of the RPwD Act, defines "reasonable accommodation" to mean 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. The concept of reasonable accommodation would encompass within itself the deployment of a purposive and meaningful construction of the NMC Regulations of 13.05.2019 read with the Appendix H-1 guidelines in a manner as to further the objectives of the RPwD Act. The reasonable accommodation as defined in Section 2(y) of the RPwD Act should not be understood narrowly to mean only the provision of assisting devices and other tangible substances which will aid persons with disabilities.* ***If the mandate of the law is to ensure a full and effective participation of persons with disabilities in the society and if the whole idea was to exclude conditions that prevent their full and effective participation as equal members of society, a broad interpretation of the concept of reasonable accommodation which will further the objective of the RPwD Act and Article 41 of the Directive Principles of State Policy is mandated."***
>
> *(Emphasis supplied)*

47. The Supreme Court in ***Omkar Ramchandra Gond (supra)***, has also reiterated that the flexibility in answering individual needs and requirements is an essential

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component of reasonable accommodation. In ***Anmol Vs. Union of India***[4], the Supreme Court has also considered that the principle of reasonable accommodation is not only statutorily prescribed but also rooted in the fundamental rights guaranteed to persons with disabilities under Part III of the Constitution of India and as such, the reasonable accommodation is a fundamental right.

48. It is imperative in the given factual complexion for the Tribunal to have also considered the above decisions entailing the principle of Reasonable Accommodation and its applicability to the given fact situation.

49. In the given facts, it is therefore necessary to ascertain whether the Petitioner can actually perform the job mandated of a Geophysicist, when the Respondent No.4-CSMB has classified him Fit under PH category with disability in both legs to the extent of 55%. Under these circumstances, a thorough and overall medical evaluation, *qua* the fitness of the Petitioner in the post concerned, will be of prime importance.

50. We find it pertinent to mention that the Ld. Counsel for the Petitioner relied upon another case of one Ms. Heena

4 2025 SCC OnLine SC 387.

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Parveen seeking parity with the Petitioner, in similar situation to this, the Respondent No. 2- Ministry of Mines in its speaking order dated 3rd April 2024 has clarified that there is a departmental inquiry pending against this individual, even though she has joined the services/post. On this account, no equities can be claimed by the Petitioner, in the given facts and circumstances.

51. For all the above reasons, in our considered view, the Impugned Order deserves to be set aside and the matter is remanded back to the Respondent No.4-CSMB.

52. In light of the above discussion we partly allow the Petition by passing the following order, which in our view, in the given facts and circumstances, would meet the ends of justice :-

i) The Impugned Order of the Tribunal dated 1st October 2024 is set aside.

ii) The matter is remanded to the Respondent No. 4 – Chairperson of CSMB, Safdarjung Hospital, New Delhi.

iii) The Medical Board as reconstituted by Respondent No.4 shall re-examine the Petitioner, *de novo,* and assess

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him functionally, considering his disability and in this regard whether he would be fit to discharge his duties/functions as a Geophysicist.

iv) The Petitioner shall make himself available before the said Medical Board after being called by them, which is expected to be done within a period of one week from the date of communication of a certified copy of this order by the Petitioner before the said Medical Board.

v) The Medical Board shall, after examination of the Petitioner, issue a detailed Medical Report on the above basis clearly indicating whether the Petitioner satisfies the functional requirements to work as a Geophysicist, given his medical condition.

vi) Such report shall be issued expeditiously, not later than, within a period of four weeks from the date of physical examination of the Petitioner by the Medical Board.

vii) In the event, the findings of the Medical Board are in favour of the Petitioner, the concerned Respondent Nos.1, 2 and 3 are directed to consider the same favourably and act upon it in accordance with law, expeditiously, without

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delay.

viii) The Petitioner is at liberty to assail the decision of Respondent Nos. 1 to 3, *inter alia,* based on the findings of the said Medical Board, in accordance with law, if the findings go against the Petitioner.

ix) It is clarified that the interim order dated 24th September 2025 passed by this Court reserving one post for the Petitioner shall continue to operate until the Medical Report/decision of the Medical Board and for a period of three weeks thereafter, in the peculiar factual complexion of the given case and in the interest of justice.

53. We clarify that the observations made herein are confined to the facts and circumstances of the present case.

54. With the above observations/directions the Writ Petition stands Disposed Of.

[ADVAIT M. SETHNA, J.] **[CHIEF JUSTICE]**

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