



2025:DHC:6598-DB



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

Date of decision: 06.08.2025

+ **W.P.(C) 16119/2024 & CM APPL. 67713/2024**
RAILWAY BOARD AND OTHERS

.....Petitioners

Through: Mr.Ruchir Mishra, Mr.Mukesh
Kumar Tiwari, Ms.Reba Jena
Mishra, Advs.

versus

VEMPATI VENKATA SAI SESHAGIRI RAO AND ANR

.....Respondents

Through: Mr.Ravinder Agarwal,
Mr.Manish Kumar Singh,
Mr.Vasu Agarwal, Mr.S.M.
Zulfiqar Alam, Advs. for UPSC

+ **W.P.(C) 16597/2024 & CM APPL. 70157/2024**
RAILWAY BOARD THROUGH ITS CHAIRMAN & ORS.

.....Petitioners

Through: Mr.Kushagra Kumar, SPC

versus

GAVIDI ANIL KUMAR & ANR.

.....Respondents

Through: Mr.Prashant Singh, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

1. These petitions have been filed challenging the Orders dated



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22.04.2024 and 25.04.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as 'Tribunal') in O.A. No.1850/2017 and O.A. No.1849/2017, respectively, allowing the OAs filed by the respondents in the respective petitions and directing the petitioners to offer appointment to the respondents in the place of their merit in the Engineering Service Examination, 2016 (in short, 'ESE') in the discipline of Mechanical Engineering and Electrical Engineering respectively.

2. To give a brief background of the facts in which the present petitions arise, the petitioners, *vide* Examination Notice No. 05/2016-Engg., invited applications for ESE 2016 for approximately 609 posts of Group A and Group B, including 29 posts for physically handicapped, in Cat-I-Civil Engineering, Cat-II-Mechanical Engineering, Cat-III-Electrical Engineering, Cat-IV-Electronics & Telecommunication Engineering.

3. The respondents applied for the post of Cat-II-Mechanical Engineering and Cat-III-Electrical Engineering, respectively. Having participated in the examination, they successfully cleared the written examination, however, when they were subjected to the Medical Board, wherein, they were declared 'unfit' for appointment.

4. Aggrieved by the same, they challenged their rejection before the learned Tribunal.

5. The learned Tribunal, by way of Impugned Orders, as is noted hereinabove, allowed the OAs filed by the respondents and directed



the petitioners to offer them appointment under the physically handicapped category.

6. The learned counsels for the petitioners submit that the learned Tribunal has erred in ignoring the Rules for a Combined Competitive Engineering Services Examination, Engineering Service Examination Rules, 2016 (in short, the 'Rules'). Rule 19 thereof provides for the categories and sub categories of disabilities, including functional classification and physical requirements, identified for various posts. The same have been prescribed in Annexure-I to the Rules which, as far as Cat-II-Mechanical Engineering *vis-à-vis* the Indian Railway Service of Mechanical Engineers (IRSME) is concerned, reads as under:

“Annexure-I

A List of Services/Posts identified suitable for Physically Disabled Category along with the physical requirements and functional classification

<i>Sl. No.</i>	<i>Name of Services</i>	<i>Functional Classification</i>	<i>Physical Requirements</i>
<i>Category II-Mechanical Engineering</i>			
<i>1.</i>	<i>Indian Railway Service of Mechanical Engineers</i>	<i>OA or OL</i>	<i>S,ST,BN,W,SE,ME,C,R,W&RW</i>

”

7. They submit that, in terms of the above prescription, a candidate to be qualified to be considered under the category of physically handicapped, can have a disability only in one arm or one leg. In the present case, the respondents were found to be having disability in both arms and both legs and, therefore, were disqualified. They submit that the learned Tribunal, however, erroneously held that the respondents were being judged on medical parameters that are applicable to a general candidate, which was not so.



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8. They have drawn our attention to the medical reports of both, the Initial Medical Board as also of the Review Medical Board, to support their above submissions.

9. They further submit that the prescription of the candidate suffering disability in one arm and one leg is a maximum prescription a candidate having a higher disability is not qualified for appointment.

10. On the other hand, the learned counsel for the respondents submit that there was no justified reason for excluding physically handicapped candidates having disability in both arms and both legs. He submits that even as per the Rules, the candidate must be able to meet certain physical requirements like sitting, standing, bending, etc. The respondents can duly perform these functions. He submits that the Medical Board, however, did not assess the respondents for the same, thereby committing an error.

11. He further submits that in Note IV appended to Rule 5 of the Rules, a physically handicapped candidate is to be considered eligible for appointment only if he/she, after physical examination, is found to satisfy the requirements of physical and medical standards for the concerned Service/Posts, therefore, the candidates were being assessed on a medical standards as are applicable to a general candidate, resulting in the learned Tribunal rightfully setting aside the Medical Board opinions.

12. Placing reliance on the judgment of the Supreme Court in ***Re Recruitment of Visually Impaired in Judicial Services, 2025 SCC OnLine SC 481***, he submits that the criteria laid down by the



respondents is in clear violation of the mandate of the Rights of Persons with Disabilities Act, 2016.

13. We have considered the submissions made by the learned counsels for the parties.

14. At the outset, we would note and emphasize that in the OAs filed before the learned Tribunal, there was no challenge to the Rules by any of the respondents. In absence of any such challenge, the OAs have to be determined on the basis of Rules as they exist. In any case, having participated in the selection process, the respondents cannot be allowed to challenge the Rules.

15. As far as Rules are concerned, Rule 19 of the Rules reads as under:

“19. Details of the categories/sub categories of disabilities-(functional classification and Physical Requirements) identified for the various Services/posts:

“For being considered against the vacancies reserved for them, the physically disabled persons should have disability of forty per cent (40%) or more. The functional classification in their case shall be consistent with the requirements of the concerned services/posts as detailed in Annexure-I However, such candidates shall be required to meet the physical requirements/abilities as detailed in Annexure-I and to submit Disability Certificate in the prescribed format as detailed in Annexure-III.”

16. The Annexure-I, insofar as Category-II and Category-III for IRSME is concerned, has already been re-produced hereinabove. It, in no uncertain terms, provides that the petitioners have identified the post for physically handicapped category and prescribed the physical



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requirements and the functional classification for the two posts in question. As far as functional classification is concerned, it is prescribed as one arm or one leg. In case of Electrical Engineering, another category of hearing impairment has also been recognised. The respondents were found not meeting these criteria by both, the Initial Medical Board as also by the Review Medical Board, and were therefore, declared unfit for appointment for being suffering from disability in both arms and both legs.

17. A perusal of the prescription in Annexure-I would suggest that the requirements mentioned therein are not the minimum requirement, but the requirement which has to be met by a candidate for being qualified as a candidate in physically handicapped category.

18. It is true that the Annexure-I further provides for physical requirements. However, these have to be read in conjunction with the functional classification, meaning thereby even if a candidate satisfies the functional classification he/she must also be able to perform the physical requirements for a post. Only because a candidate is able to perform the physical requirements, however, does not fulfil the functional classification, would not make such candidate eligible for being considered for a post.

19. The learned Tribunal, in our opinion, has clearly erred in basing its Impugned Order on a premise that the petitioners have tested the respondents on the medical standards as were applicable to a general category candidate. From the medical reports that have been placed before us, the above premise of the learned Tribunal is found to be

