



2025:DHC:9164-DB



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

Date of decision: 14<sup>th</sup> OCTOBER, 2025

IN THE MATTER OF:

+ **LPA 494/2025 & CM APPL. 46865/2025, CM APPL. 46866/2025**  
**CM APPL. 46867/2025, CM APPL. 46868/2025, CM APPL.**  
**46869/2025**

PRAGATI KESHARWANI

.....Appellant

Through: Mr. Ranjan Mani, Advocate.

versus

UNION OF INDIA M/O PETROLEUM AND NATURAL GAS &  
ORS. ....Respondents

Through: Mrs. Anubha Bhardwaj, CGSC along  
with Ms. Ananya Shamshery &  
Anchal Kashyap, Advocates for R-1  
Mr. Akshay Amritanshu, Ms. Drishti  
Saraf, Ms. Drishti Rawal, Mr. Sarthak  
Srivastava, Advocates for R-2 & 3.

**CORAM:**

**HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD**

**HON'BLE MR. JUSTICE SAURABH BANERJEE**

### **JUDGMENT**

#### **SUBRAMONIUM PRASAD, J.**

1. The present Appeal has been filed challenging the final Judgment and Order dated 30.09.2024 (*hereinafter referred to as “impugned Judgment”*), passed by the learned Single Judge in W.P.(C).13068/2018 (*hereinafter referred to as “Writ Petition”*), whereby the Appellant’s Petition, seeking quashing of Respondent No.’s letter dated 07.09.2018 (*hereinafter referred to as the “impugned letter”*) declaring her as “temporarily medically unfit”, was dismissed and the prayer of the Appellant, seeking reinstatement to the



post of Assistant Executive Engineer (Electronics) (*hereinafter referred to as “AEE (Electronics)”*) at the Respondent’s Hazira Plant, was also rejected.

2. The Appellant is a qualified engineer, holding a B.Tech. and M.Tech. Degree from Indian Institute of Technology, Banaras Hindu University (*hereinafter referred to as “IIT BHU”*). She is an individual with orthopaedic handicap, suffering from Post Polio Residual Paralysis (PPRP) of the lower limb, resulting in 45% locomotor disability.

3. Respondent No. 1 is the Union of India. Respondent No 2 and Respondent No. 3 are different functionaries of Oil & Natural Gas Corporation Limited (*hereinafter referred to as “ONGC”*). For the sake of convenience, whenever required Respondent No. 2 and 3 shall hereinafter be collectively referred to as ‘**Respondent ONGC**’.

4. Respondent ONGC is a Central Public Sector Undertaking and the largest Government owned Oil and Gas explorer and producer in the country. It had been established in the year 1956 and was conferred with the status of *Maharatna* in November 2010.

5. The facts, in brief, leading to the present Appeal are as under:

- a. The Appellant appeared for the *Graduate Aptitude Test in Engineering* Exam (*hereinafter referred to as “GATE”*) in the year 2017 and obtained an All India Rank of 9748. In response to Advertisement No 3/17 (R&P) issued by the Respondent ONGC, she applied for the post of AEE (Electronics) under the category of orthopaedically handicapped, one leg (OH-OL).



- b. After being shortlisted, the Appellant was called for interview on 23.05.2017 and upon successfully clearing the same she was offered appointment to the post of AEE (Electronics) *vide* letter dated 24.07.2017, issued by Respondent ONGC.
- c. Pursuant thereto, the Appellant underwent medical examination on 24.08.2017, wherein it was communicated to the Appellant that her left eye had reduced visual acuity of 6/60 on account of long standing partial retinal detachment.
- d. Resultantly on 12.10.2017 the Appellant received an email from Respondent ONGC informing her that her appointment had been cancelled on medical grounds. Aggrieved thereby, the Appellant raised a grievance on the Central Public Grievance Redressal and Monitoring Portal (*hereinafter referred to as the "CPGRAMS"*) of Respondent No.1, whereafter, her case was taken up by Respondent No.2.
- e. In the meanwhile, during the pendency of her grievance, the Appellant, on 14.12.2017, lodged a complaint before the Chief Commissioner for Persons with Disabilities (*hereinafter referred to as "the Chief Commissioner"*).
- f. It has been averred that pending adjudication of the Appellant's complaint before the Chief Commissioner, Respondent No. 2 telephonically informed her to meet them on 07.03.2018 for examination at Ram Manohar Lohia Hospital, Delhi (*hereinafter referred to as "RML Hospital"*).



- g. On 21.03.2018, the Appellant received an e-mail from the Dehradun Branch of Respondent ONGC, informing her that she was not being considered for the appointment in view of her medical examination held on 07.03.2018.
- h. By the said email, the Appellant was further informed that she had been declared to be '*temporarily unfit*', however she was eligible to re-appear for medical examination within six months provided she takes necessary treatment and the order cancelling her appointment was kept in abeyance till submission of her Medical Fitness Report.
- i. The Chief Commissioner, *vide* order dated 29.06.2018 held that the Respondent had violated the statutory rights of the Appellant in terms of the Rights of Persons with Disabilities Act, 2016 (*hereinafter referred to as "the Act"*) by not allowing her to join as AEE (Electronic) after having offered her the Appointment Letter.
- j. On 07.09.2018, Respondent ONGC, *vide* their letter addressed to the Chief Commissioner, rejected the recommendation given by them on 29.06.2018, stating that it would not be possible to appoint the Appellant to the post of AEE (Electronics).
- k. Aggrieved by the conduct of Respondent ONGC, the Appellant filed a Writ Petition before this Court, whereby she challenged the impugned letter dated 07.09.2018 issued by Respondent No 3 and sought reinstatement to the post of AEE (Electronics) at Hazira Plant.



1. On 17.01.2018, the learned Single Judge passed an interim direction calling upon the Vocational Rehabilitation Center (VRC), Kanpur to constitute a Medical Board to determine whether the Appellant could be given an alternate accommodation within the Organization.
  - m. The Medical Board that was constituted by the National Career Service Centre for the Disabled, Kanpur, gave its determination vide letter dated 16.04.2024 holding that the Appellant is fit to do a computer based job.
  - n. Thereafter, on 30.09.2024, the Writ Petition of the Appellant was dismissed by a learned Single Judge of this Court. Hence, the Appellant has filed the instant Appeal.
6. Before the learned Single Judge, the Appellant has primarily contended that under the Oil and Natural Gas Corporation Limited Medical Examination of Employees Rules, 1996 (*hereinafter referred to as “1996 Medical Rules”*) a person with disability ought not to be subjected to the usual standard of medical examination. It was further contended that the Respondent ONGC had ignored the substantial risk to the Appellant’s eye in the event she were to undergo a vision correction surgery. It was also pointed out that the procedure does not guarantee that the vision of the Appellant would be restored. Further, the *principle of reasonable accommodation* as provided in Sections 3(5) and 20(2) of the Act obligates the Respondent No.2 to make necessary adjustments in the job profile to accommodate the Appellant in the locomotor disability quota and even overlook reduction in binocular vision.



7. It was also argued that ocular disability would not be an impediment in employment in the organization as other individuals with disabilities have been employed in the organization and this makes it abundantly clear that physical standards do not apply with the same rigour when it comes to individuals with physical disability. Lastly, he contended that the Respondent ONGC's conduct was violative of Section 3(1) of the Act as it is mandated that the appropriate Government is required to ensure that the persons with disability enjoy the right to equality and life with dignity. The conduct of the Respondent is also in ignorance with Section 3(3) of the Act and the candidature of the Appellant could not have been lawfully cancelled.

8. Opposing the arguments of the Appellant, before the learned Single Judge, learned Counsel for the Respondent drew attention of this Court to the Notification brought out by the Department of Disability Affairs, Ministry of Social Justice and Empowerment and also the recommendations of the Expert Committee constituted under Section 32 of the Persons with Disabilities (Equal Opportunities, Protections of Rights and Full Participation) Act, 1995, whereby the posts suitable for persons with disabilities were identified. He contended that the post in question could be filled up by a person having visual disability. Had the case the Appellant only been one of locomotive disability, the Appellant could have been accommodated. Learned Counsel for the Respondent, therefore, urged that the notification restricted a person suffering from a particular type of disability alone being eligible to apply for the said job. Persons with other disabilities were not suitable to be appointed for the post.

9. It was also argued that Respondent ONGC issued an Advertisement informing the availability of two vacancies reserved in the Orthopedically



Impaired (OH-OL) category and one seat reserved in the Hearing Impaired (HH) category. He contended that the Advertisement, makes it abundantly clear that the nature of the job is onerous and all candidates were required to undergo medical examination upon being offered appointment in terms of the advertisement. These terms were binding and therefore, the appointment was offered subject to the production of a certificate of physical fitness.

10. Learned Counsel for the Respondent also submitted that Appellant had been given adequate time to correct her visual impairment. Additionally, it was pointed out that the nature of job of the appellant was onerous and risky, and in the absence of binocular vision coupled with her longstanding retinal detachment, the Appellant would be unable to carry out her duties and would risk her life. Finally, it was urged that that the recommendation of the Chief Commissioner was not binding on the Respondent in terms of Section 76 of the Act.

11. After hearing the rival contentions of the parties and perusing the material on record the learned Single Judge dismissed the Writ Petition of the Appellant by holding that there was no infirmity in the decision taken by the Respondents in rejecting the candidature of the Appellant and it could not be said that the Appellant was denied the benefits of reservation in the PwD category nor was there any violation of the Act.

12. In the present Appeal, the Appellant has assailed the impugned Judgment, and advanced the following submissions before this Court:-

- i. The Deputy Chief Medical Officer of Hazira Plant (*hereinafter referred to as the "DCMO"*) was the competent medical authority and the competent medical authority has not declared the



- Appellant to be medically unfit. On the contrary it was noted by the Competent Medical Authority that the Petitioner had been selected in the category of Persons with Disabilities and even though she did not have binocular vision, she had a good academic record and could work comfortably on a computer.
- ii. The determination and recommendation of the DCMO dated 21.08.2017 is in accordance with the principles of reasonable accommodation as provided under Section 2(y), 3(5) and 20(2) of the Act and therefore the Respondent No.2 was under an obligation to accommodate the Appellant's locomotor disability as well as her reduced binocular vision in the event the same was considered to be disabling.
  - iii. Respondent No.2 made no efforts to consider suitable job modifications or adjustments to accommodate the Appellant's reduced binocular vision. This was contrary to the recommendation of DCMO who was the competent medical authority in the first instance.
  - iv. The impugned judgement has been passed in ignorance of the 1996 Medical Rules. The VRCs are present in Vadodara and Ahmedabad, and instead of referring the Appellant to one of these Centres, Respondent ONGC has illegally subjected the Appellant to a second medical examination at RML Hospital *sans* any prior written notice.
  - v. The Respondent ought to have considered the recommendations of the Chief Commissioner in requiring the Appellant to undergo





corrective treatment for her ocular condition is not tenable and disregarded the substantial risk posed to her sight if such a treatment is undertaken. It is stated that the treatment outcome for partial retinal detachment has a guarded prognosis meaning thereby that the outcome is uncertain and risky.

- vi. Reliance has been placed on the report given by the medical board constituted by the National Career Services Centre for the Disabled, Kanpur, U.P., (NCSC Medical Board) in pursuance of the Order dated 08.02.2024 passed by the learned Single Judge of this Court in the Writ Petition. The determination given by NCSC declared that the patient is fit to do a computer based job. The said determination was given by the NCSC Medical Board after taking into consideration the job description of the post. Therefore, the NCSC Medical Board had determined that the Appellant could be absorbed in the organization by accommodating her in a computer based job. It has been averred that the Appellant was selected to be posted in the information, technology and telecommunication department of the Respondent wherein the job assigned are computer based. The Respondent's 1996 Medical Rules mandate that the appointment of the Medical Board constituted by the vocational rehabilitation centre and therefore NCSC Medical Board is constitutive of a statutory determination and must be given effect to by the Respondent.
- vii. The recommendation given by the Deputy Chief Medical Officer and the NCSC Medical Board have found the Appellant suitable for computer job assignment and therefore they must be given



effect to in furtherance of the principle of reasonable accommodation as has been provided for in Section 2(y), 3(5) and 20(2) of the Act. These provisions entail making necessary adjustments to the Appellant's job. If the Respondents were to provide suitable adjustments and modifications to the job profile of the Appellant, she can be suitably accommodated in a manner in which her locomotor disability and her reduced binocular vision would not adversely impact her job performance.

- viii. Several ONGC Units do not require binocular vision for the post of AEE (Electronics), and the same has been brought on record by the Appellant before the learned Single Judge and is not disputed by the Respondent. Therefore, the Respondent ought to make suitable job modifications in compliance with the principles of reasonable accommodation. Such modifications would have to be made in any case as the Appellant has availed the benefit of reservation for the category of orthopaedic physical disablement.
- ix. Other employees with orthopaedic (OH) and hearing impairments (HH) occupying the post of AEE (Electronics) and ONGC has made suitable modifications and adjustments to their job profiles as putting these individuals in normal job profiles will put them at a substantial risk.
- x. The learned Single Judge has erred in not giving effect to the report of the NCSC Medical Board that has been constituted on the basis of directions of this Court. The learned Single Judge ought to have directed the Respondent/ONGC to reinstate the Appellant and make suitable job modifications and adjustments including



computer based assignments in furtherance of the principles of reasonable accommodation.

- xi. The learned Single Judge has not appreciated that the benefit of reservation was to be enured to the Appellant on account of her benchmark locomotor disability, if the same was deemed to be a disabling factor. He has also contended that the Respondent has not taken any efforts to accommodate the Appellant in their organization. It is also contended that ONGC has not placed any material before the learned Single Judge to show that the appointment of the Appellant in the standard work profile would be risky.
- xii. Reliance has been placed on Section 2(s) of the Act and it has been contended that the learned Single Judge has ignored the condition of disability as defined in the aforesaid section cannot *per se* amount to medical unfitness. While assessing the physical fitness of a candidate with disability for a particular job, the matter should not be seen from a strictly medical angle, rather, the focus should be from vocational rehabilitation point of view and the evaluation should be done to assess whether the candidate can perform the requisite job roles with necessary adjustments while taking into account the principle of reasonable accommodation.
- xiii. Learned Single Judge has not appreciated that the principles of reasonable accommodation has to be applied holistically to a person with disability. The underlined logic is to provide affirmative action for individuals suffering from serious and prolonged disadvantage on account of the disability. The Appellant



herein is one such individual who has faced systematic barriers in the society on account of her disability. Without measures like rehabilitation, it would be difficult for a person to be inculcated in the mainstream society and would result in their marginalization and therefore the principles of reasonable accommodation ought to be applied holistically.

- xiv. The learned Single judge has erred by relying on the submission of the Respondent ONGC that the post of AEE (Electronics) is not the conclusion identified for persons with benchmark visual disability. In order for a person to be categorised as a person with benchmark visual disability a person must have significant visual impact in the better eye. It is the case of the Appellant that her left eyes has normal visual acuity. And since the Appellant is not a person with benchmark visual disability the non-identification of the post of AEE (Electronics) would not per se be a bar for the Appellant to join the post.

13. *Per contra*, learned Counsel for the Respondent has argued that the impugned Judgement is well reasoned and does not warrant any interference by this Court. He contended that the arguments advanced by the Appellant are a reiteration of the arguments advanced in the Writ Petition.

14. Heard the learned Counsel for the parties and perused the material on record.

15. In short, the case of the Appellant is that the Appellant is an individual with a locomotor disability. She is aggrieved by rejection of her candidature for appointment to the post of AEE (Electronics). It is the case



of the Appellant that Respondent was legally obliged to apply the principle of reason of accommodation as provided under Sections 3(5) and 20(2) of 2016 Act, and make necessary adjustments in the job profile of the Appellant, so as to accommodate her *qua* the locomotive disability and if required, also overlook her reduced binocular vision. It has been contended that the Appellant's reduced binocular vision cannot be an impediment and the Respondent ought to have adjusted the Appellant in a job assignment which involved office work with the help of computers. Further, many employees with disabilities have been invariably posted to do office jobs instead of field postings and had the Appellant been accommodated within the organization work have been allocated to the Appellant keeping in mind her disability. It has also been contended that there is no reason as to why the benefit extended to other employees could not be extended to the Appellant as well.

16. The Respondent ONGC brought out an advertisement for appointment of various posts including Assistant Executive Engineer (AEE) (Electronics). Out of these posts, three posts were reserved for persons with disabilities and out of those three, two posts were reserved for Orthopaedically Impaired individuals and one for Hearing Impaired individual. The Appellant is a person with 45% locomotor disability having degrees in B. Tech. (Electronics) and M. Tech. The Appellant has qualified GATE-2017 with All India Rank of 9748 and her name was found mentioned in the list of selected candidates. The Appellant was asked to furnish a medical certificate after getting herself examined by Dr. Maloy Sarkar, Medical Officer, ONGC who asked the Appellant to get a report from Dr. Bhupatani, an eye-specialist. The Appellant was examined by an



eye-specialist and thereafter, a retina specialist opined that the Appellant has a condition of 'old inferior attachment in right eye'. Dr. Sarkar opined that her case be referred to a higher authority for consideration.

17. Material on record indicates that the Department of Ophthalmology, Sanjay Gandhi Postgraduate Institute of Medical Sciences, Lucknow certified that the Appellant could do computer based job.

18. It is the case of the Respondent that appointing the Appellant to the post of AEE Engineering with her reduced visual acuity would be dangerous for her own safety and organizational interest. The job description requires perfect binocular vision and requires the Appellant to work in an open environment at inshore and offshore installation/rigs. With her reduced visual acuity and retinal detachment, the Appellant would not be able to carry out her official duties and risk her safety.

19. In order to appreciate the rival contentions advanced by the parties, it is apposite to peruse Notification No. 16-15/2010-DD.III dated 29.07.2013, brought out by the Department of Disability Affairs, Ministry of Social Justice and Empowerment based on the recommendations of the Expert Committee constituted under Section 32 of the Persons with Disabilities (Equal Opportunities, Protections of Rights and Full Participation) Act, 1995. The said notification contains a list of suitable posts in Group A, B, C and D jobs which have been identified for individuals with benchmark disabilities. The relevant portions of the said notification reads as under :-

“ANNEXURE-B

**GIST OF THE REPORT OF THE EXPERT  
COMMITTEE TO IDENTIFY OR REVIEW THE  
POSTS IN GROUP A,B,C AND D TO BE**



**RESERVED FOR THE PERSONS WITH  
DISABILITIES IN ITS MINISTRIES OR  
DEPARTMENTS AND PUBLIC SECTOR  
UNDERTAKINGS.**

*1. The Expert Committee after detailed discussion on the list of posts identified or reviewed by the three sub-committee and considering the responses from different stakeholders, recommend a detailed list of Group A,B,C and D posts to be reserved for persons with disabilities.*

*2. The Committee also recommend as follows:-*

*(i) Great caution should be exercised while excluding a post from the list of posts already if identified.*

*(ii) If a post is already held by a person with disability, it should be deemed to have been identified.*

*(iii) If a post is identified in the feeder grade, the posts in the promotional grade should also stand identified.*

*(iv) Keeping in view the principles of reasonable accommodation, Government Departments should ensure accessible environment including providing suitable or appropriate hardware and software as well as required assistive devices to the persons with disabilities to enable them to perform their assigned duties.*

*3. The list of posts identified by the Expert Committee is only indicative and not exhaustive. If a post has duties and responsibilities similar to an identified post, that post should be construed to be identified. The Departments and the Public Sector Undertaking are free to identify more posts in their organizations, over and above this.*

*Dr. DHARMENDER KUMAR, Member Secy.”*



**“ANNEXURE – C**  
***POSTS IDENTIFIED TO BE***  
***RESERVED FOR PERSONS***  
***WITH DISABILITIES GROUP ‘A’***

**POSTS IDENTIFIED FOR BEING HELD BY PERSONS WITH DISABILITIES (OH including CP & LC, VH AND HH) IN GROUP A**

Sl. No	Designations	Physical Requirement	Categories of Disabled suitable for jobs	Nature of work performed	Working condition / Remarks
1	2	3	4	5	6
	<b>ACCOUNTS OFFICERS</b>				
1	Finance Manager	S.BN. RW MF.SE.C	OA. OL.BL.OAL.BLOA.HH	They ensure proper maintenance of accounts, accounts books, records of business and financial establishments, private institutions, Govt. or Quasi Govt. offices. Supervise subordinates e.g. Account Clerks engaged in maintenance of accounts and records. Scrutinise bills, receipts, payment etc. for proper entries in cash-book, journal, ledger and other records. Keep record of all taxes, licenses, fees etc., required to be paid by organisation in which engaged and ensure that they are paid in time and kept up-to-date. Get annual budget prepared and consolidated under their supervision and place it before 'Board' or appropriate authority for consideration. Prepare final accounts such as trial balance, profit and loss statement or such balance sheet etc., as required depending upon type of industry or organisation in which engaged. See that prescribed accounting procedure is followed by offices, establishments and institutions and account books are properly maintained. Ensure that instructions given or objections raised are carried out or rectified. Make periodical and surprise checks of accounts. Advise appropriate authority on financial matters including revenue and expenditure such as procedure for procurement of raw materials, machinery and other purchases and also disposal of assets, write of depreciation, award of contract etc.	The work is mostly performed inside in well lighted rooms. Worker usually works alone. It does not involve any hazards. they have to perform supervision and leadership role. During discussion and presentation bilateral communication is required. For field work, mobility of the incumbent should not be restricted. In the organisations who are having fully computerised system. Persons of VH category may be considered.
2	Chief Accountant	S.BN. RW MF.SE.C	OA. OL.BL.OAL.BLOA.HH		
3	Finance Advisor	S.BN. RW MF.SE.C	OA. OL.BL.OAL.BLOA.HH		
4	Joint Manager (Accounts)	S.BN. RW MF.SE.C	OA. OL.BL.OAL.BLOA.HH		
5	Chief Accounts Officer	S.BN. RW MF.SE.C	OA. OL.BL.OAL.BLOA.HH		
6	Dy. Chief Accounts Officer	S.BN. RW MF.SE.C	OA. OL.BL.OAL.BLOA.HH		
7	Manager (Financial)	S.BN. RW MF.SE.C	OA. OL.BL.OAL.BLOA.HH		
8	Joint Manager (Accounts)	S.BN. RW MF.SE.C	OA. OL.BL.OAL.BLOA.HH		
9	Dy. Financial Advisor	S.BN. RW MF.SE.C	OA. OL.BL.OAL.BLOA.HH		
10	Accounts Manager	S.BN. RW MF.SE.C	OA. OL.BL.OAL.BLOA.HH		
11	Dy. Director (Accounts)	S.BN. RW MF.SE.C	OA. OL.BL.OAL.BLOA.HH		
12	Asstt. Manager (Finance)	S.BN. RW MF.SE.C	OA. OL.BL.OAL.BLOA.HH		
13	Asstt. Registrar (Accounts)	S.BN. RW MF.SE.C	OA. OL.BL.OAL.BLOA.HH		
14	Financial & Accounts Officer	S.BN. RW MF.SE.C	OA. OL.BL.OAL.BLOA.HH		
15	Asstt. Chief Accounts Officer	S.BN. RW MF.SE.C	OA. OL.BL.OAL.BLOA.HH		
16	Asstt. Controller of Accounts	S.BN. RW MF.SE.C	OA. OL.BL.OAL.BLOA.HH		
17	Asstt. Divisional Accounts Officer	S.BN. RW MF.SE.C	OA. OL.BL.OAL.BLOA.HH		
18	Asstt. Account General	S.BN. RW MF.SE.C	OA. OL.BL.OAL.BLOA.HH		
19	Addl. Comptroller Auditor General of India/ Pr. CGA	S.BN. RW MF.SE.C	OA. OL.BL.OAL.BLOA.HH		
20	Senior Admn. Grade	S.BN. RW MF.SE.C	OA. OL.BL.OAL.BLOA.HH		

**ABBREVIATIONS USED :** S=Sitting, ST=Standing, W=Walking, BN=Bending, L=Lifting, KC=Kneeling & Crutching, JU=Jumping, CRL= Crawling, CL=Climbing, MF=Manipulation by Fingers, RW=Reading & Writing, SE=Seeing, H=Hearing, C=Communication, OA=One Arm, OL=One Leg, BA=Both Arms, BL=Both Leg, OAL=One Arm and One Leg, BLOA=Both leg & one arm, BLA=Both Legs Arms, B=Blind, LV=Low Vision, HH= Hearing Impaired, PP=Pulling & Pushing, CP= Cerebral Palsy, LC= Leprosy Cured, OH= Orthopaedically Impaired, VH= Visually Impaired





Sl. No	Designation	Physical Requirement	Categories of Disabled suitable for jobs	Nature of work performed	Working condition / Remarks
1	2	3	4	5	6
	ELECTRICAL ENGINEERS				
362	Suptd. Engineer	S.ST.BN.W.MF.PPL.KC.C.RW.SE	OL.HH	They plan, design and supervise manufacture, installation, testing, operation and maintenance of various types of electrical wiring, machinery and equipment. Plan lay-out of work and equipment and prepare themselves or direct preparation of sketches, detailed drawings, writing diagrams. Specify method of construction installation and labour charges. Supervise construction and installation and labour charges. Supervise construction and installation or erection work and give necessary technical advice at every stage of progress inspect completed work to ensure efficient operation according to prescribed specification and safety standard, correct repairs and maintenance of electrical apparatus and equipment. May examine economic aspects of schemes to be undertaken.	The work is performed mostly inside. The work place is noisy and vibrating. The worker usually works alone. It involves hazards of high voltage current. The person should have functional hearing and communication skills with the help of assistive devices. Mobility should be adequate enough to perform assigned tasks. Incumbent need to be considered with suitable aids & appliances.  <b>*Not identified for Railways personnel who are involved in operation of trains, maintenance of rail tracks, movement of engines and compartments in yards,telecommunication and signalling works.</b>
363	Executive Engineer (Elec)	S.ST.BN.W.MF.PPL.KC.C.RW.SE			
364	Asstt. Director (Electrical)	S.ST.BN. KC .W.MF.SE.PPL. C.RW	OL.HH		
365	Asstt. Engineer (Electrical) *	S.ST.BN. KC .W.MF.SE.PPL. C.RW	OL.HH		
366	Electronics Engineer	S.ST.BN. KC .W.MF.SE.PPL. C.RW	OL.HH		
367	Sr.Instrumentation Officer	S.ST.BN.W.MF.SE.PPL.KC.C.RW	OL.HH	Maintaining, servicing the electronics equipments. Keep reports. Procurement of materials and maintain records.  Analysing micro equipments and their results for using in the laboratory. Maintaining instruments and parts, Categorization of instruments, Fabrication work involving hacksaw cutting, Filing, drilling, Handling tools, materials etc.	The work is performed mostly inside. The work place is noisy and vibrating. The worker usually works alone. It involves hazards of high voltage current.  The work is performed mostly inside. The work place is noisy and vibrating. The worker usually works alone. It involves hazards of high voltage current. The duties include field work also need to work in open area in hot & humid condition. The job is hazardous . The incumbents need to be considered with aids and appliances support.
368	Jr. Instrumentation Officer	S.ST.BN.W.MF.SE.PPL.KC.C.RW	OL.HH		
369	Electronics Engineer *	S.ST.BN.W.MF.SE.PPL.KC.C.RW	OL.HH		
370	Jr. Instrumentation Officer	S.ST.BN.W.MF.SE.PPL.KC.C.RW	OL.HH		
371	Micro Analyst (Science Faculty)	S.ST.BN.W.MF.SE.PPL.KC.C.RW	OL.HH		
372	Management Trainee (Electronics Engineer)	S.ST.BN.W.MF.SE.PPL.KC.C.RW	OL.HH		

20. A perusal of the foregoing notification makes it manifestly clear that the post for which the Appellant has applied for has been identified and marked as a post suitable for individuals suffering from benchmark disability in the OH-OL/HH category. Thus, only these two categories of individuals are eligible for appointment in the post of AEE (Electronics). The “working conditions / remarks” column adjacent to the said job post also notes that the work place is noisy and there is a lot of vibration. The nature of work would involve the Appellant to work in onerous conditions where high voltage current would be involved and suggests that the individual should have functional hearing and communication skills with the help of assistive devices and most importantly, mobility should be adequate to perform assigned tasks and the incumbent needs of such individuals is to



be considered with suitable aids and appliances. It is in backdrop of this notification that Clause 6(m), of the Advertisement No 3/17 (R&P) whereby the Respondent ONGC advertised the post of AEE(Electronics), and the 1996 Medical Rules, becomes important.

21. Clause 6(m) of the Advertisement reads as under:-

*“6(m) Appointment of selected candidates will be subject to their passing the Company’s Medical Examination as per standards laid down under ONGC’s Medical Examination of Employees Rules, 1996. Details of the rules are available on ONGC’s website. However, for the benefit of the candidates, a few salient points are being mentioned below:*

<i>Sl. No.</i>	<i>Medical Condition</i>	<i>Remarks</i>
<i>1</i>	<i>Complete or partial blindness</i>	<i>Acceptable only for the posts of Materials Management Officer. Disqualification for all other posts.</i>
<i>2</i>	<i>Total amount of Myopia (including the cylinder) limited to -4.00D and Total amount of Hypermetropia (including the cylinder) limited to +4.00D</i>	<i>Acceptable for all advertised posts</i>
<i>3</i>	<i>For candidates of more than 20 years of age, the Total amount of Myopia limited to -6.00 D and Total amount of Hypermetropia limited to +6.00D (provided there are no degenerative changes in the vitreous or retina and where the disease is not likely to progress)</i>	<i>Acceptable only for the posts of AEE (Reservoir), Chemist, Geologist, Geophysicist (Surface), Geophysicist (Wells), Materials Management Officer and Programming Officer.</i>  <i><u>Disqualification for all others posts</u></i>
<i>4</i>	<i>Congenital Night blindness</i>	<i>Not acceptable for any post</i>
<i>Correct with contact lenses and intraocular implants is not a bar for</i>		



*employment provided the prescribed standards are fulfilled*

*The physically challenged persons shall not be subjected to usual medical examination by the Appointing Authority immediately after appointment, but their appointment shall be based on the report of the Medical Board attached to the Vocational Rehabilitation Centres for physically challenged persons or on the report of the Medical Board attached to the Special Employment Exchange for physically challenged persons. In case this is not possible, the medical examination may be done by ONGC's Medical Board.*

(emphasis supplied)

22. Rule 5 and 6 of the 1996 Medical Rules, which provide the standards of physical fitness reads as under:-

***“5. STANDARD OF PHYSICAL FITNESS***

*5.1 The standards of physical fitness for posts are given in Annexure-ONGC: MER-V .*

*Provided that:*

*i) Stammering shall not be considered a physical defect requiring disqualification of a candidate for a clerical post, and*

*ii) Deafness and muteness or deafness by itself shall not be considered a physical defect requiring disqualification of a candidate for appointment to a Group-'C' (Class- III) or Group-'D' (Class-IV) post of the artisan class or to a post involving manual or skilled labour.*

*Provided further that the Company may prescribe such standards of physical fitness in respect of Technical posts, as it may consider necessary from time to time.*

***5.2 Relaxation :***

*i) for female candidates :*

*A female candidate who as a result of tests is found to be pregnant of twelve weeks standing or below will not be declared temporarily unfit for appointment provided*



*the post to which she is to be appointed does not carry hazardous nature of duties or does not prescribe elaborate training.*

*ii) for physically handicapped persons :*

*The physically handicapped persons shall not be subjected to usual medical examination by the Appointing Authority immediately after appointment, but their appointment shall be based on the report of Medical Board attached to the Vocational Rehabilitation Centres for physically handicapped persons or on the report of the Medical Board attached to the Special Employment Exchange for physically handicapped persons. In case this is not possible, the medical examination may be done by ONGC's Medical Board.*

## **6. MEDICAL EXAMINATION FOR SUSPECTED DISEASES/DISABILITIES**

*6.1 Where the Appointing Authority has reason to believe that an employee is suffering from a contagious disease or physical and/or mental disability which, in his opinion, interferes with the efficient discharge of his duties, or having attained/crossed the normal age of retirement is no longer able to maintain the required efficiency/ability that Authority may direct the employee to undergo a medical examination.*

*6.2 In pursuance of the recommendations given by the Medical Authority, the Appointing Authority may require the employee either to proceed on leave or if he is already on leave to continue to remain on leave or to retire from service. The leave granted under this Rule shall be such nature and for such period as would be admissible to the employee under the Rule if he had applied for the leave on medical certificate, provided that the period of leave shall not extend beyond the*



*date of expiry of the period recommended by the Medical Authority.*

*6.3 An employee declared by the examining Medical Authority to be permanently incapacitated for further service shall be retired from service. The authority which directed him to undergo the medical examination shall inform him in writing of the action proposed to be taken in regard to him indicating briefly the grounds on which such action is proposed to be taken.*

*6.4 The employee shall also be informed that :-*

*i) Subject to the relevant provisions of ONGC Leave Rules, 1995 and any orders regarding grant of leave to persons suffering from specified diseases like tuberculosis, his retirement will have effect on the expiry of a period of one month from the date of communication, unless he desires to retire from an earlier date.*

*ii) he may submit, if he so desires, within a period of one month, a request to be examined by Medical Review Board, supported by prima facie evidence that good grounds exist for doing so.*

*6.5 For the period from the date of communication up to the date of retirement, the employee shall be granted leave under the rules applicable to his post or service as if he had applied for leave on medical certificate.*

*6.6 On receipt of an application for review, the Appointing Authority shall take steps to constitute a Special Review Board. If the Review Board confirms the opinion of the examining medical authority, the retirement of the employee shall, subject to the relevant provisions of ONGC Leave Rules, 1995 be effective*



*from the date on which the decision is communicated to the employee. If on the other hand, the Special Review Board recommends grant of leave to the employee, action shall be taken as provided in sub-Rule 6.2 above.*

*6.7 The medical fee, as well as charges incurred on cardiographic examination, X-ray examination, Medical Specialist's fee, Hospitalisation charges, laboratory fee etc. where such examinations or hospitalisation is considered necessary by the Medical Authority, for medical examination under this Rule, shall be borne by the Company. Where such fee is paid by the employee initially, the same shall be reimbursable to him.*

*6.8 Travelling allowance on tour rates shall also be admissible for such medical examination if an employee has to undertake a journey for the purpose. However, no Daily Allowance will be admissible for journey and halt.”*

23. A perusal of clause 6(m) of the advertisement as well as the 1996 Medical Rules leaves no room for doubt that final appointment in Respondent ONGC would be subject to an individual passing the company's medical examination as per the benchmark that has been set by the 1996 Medical Rules. Material on record indicates that the Appellant had been shortlisted on 23.05.2017 and her medical examination had took place on 24.08.2017. It is in this context that the learned Counsel for the Appellant has argued that the DCMO was the medical authority of the first instance and as per his opinion, the Appellant was fit to do a computer based job. However, this would be a partial and incomplete reading of the opinion given by the DCMO. The medical report given by the DCMO reads as under:-



2025:DHC:9164-DB

CONFIDENTIAL

OIL & NATURAL GAS CORPORATION LIMITED  
OFFICE OF INCHARGE MEDICAL SERVICES  
HAZIRA PLANT,  
P.O. ONGC NAGAR, SURAT-394 518.

No: HZR/SUS (MED) /MISC /NEW RECTT/PME/FITNESS/2017/

Dated: 21.08.2017

FROM Dr MALOY SARKAR, DCMO- I/C MEDICAL SERVICES, ONGC, HAZIRA

TO SHRI RAJAN ASTHANA, DGM -I/C HR-ER, ONGC, HAZIRA PLANT, SURAT

SUBJECT PRE-EMPLOYMENT MEDICAL EXAMINATION OF Ms. PRAGATI KESHARWANI, AEE (ELECTRONICS)

Ms. Pragati Kesharwani had presented to Medical Services Hazira Plant, for her Per-employment Medical Check-up. During the course of investigations, Eye surgeon opined that she has a Retinal detachment in her Right eye. Subsequently Vitreo Retinal Surgeon certified that she has long standing partial Retinal Detachment in Right eye with a vision of Finger Counting at a distance of 5 meters. The Left eye has normal vision. The Vitreo Retinal Surgeon has opined that with this condition she can work comfortably on a computer

Although not confirming to the guidelines of Physical Examination for appointment in ONGC, vide Para V (a) and Para V (a) NOTE (ii) as the visual acuity in her Right eye is 6/60 and she does not have binocular vision, yet since Miss Pragati Keshwani has been selected under the category of PWD for the post of AEE(Electronics) and despite having such a longstanding eye condition she has done well in academics therefore the instant case may be referred to higher authority for consideration.

(Dr. Maloy Sarkar)  
DCMO - I/C MEDICAL SERVICES

Encl: Reports of Ophthalmologists.

24. A perusal of the foregoing medical examination report dated 24.08.2017 demonstrates that the DCMO has explicitly noted that the Appellant had reduced visual acuity. However, considering that the Appellant had done well academically he noted that the Appellant could work comfortably on a computer. It cannot be said that this report is an endorsement of the Appellant's medical competence, rather it is a mere proposal that the case of the Appellant may be referred to the higher



authorities so that they may assess the case of the Appellant considering the relevant governing rules.

25. As noted by the learned Single Judge, Respondent ONGC after consideration of the Appellant's case concluded that the Appellant was required to work under onerous conditions. They concluded that the post of AEE (Engineer) is not confined to a desk job/computer-based job and therefore, pursuant to her medical examination the appointment of the Appellant was cancelled on 12.10.2017. Thereafter, on 07.03.2019, the Respondent ONGC conducted a second medical examination of the Appellant at RML Hospital. Pursuant to her examination, the Appellant was considered to be "temporarily unfit", and given a chance to undergo necessary treatment and come back for re-examination within six months. The Appellant nonetheless choose not undertake treatment for vision correction because of a guarded prognosis and consequently her appointment was cancelled by Respondent ONGC.

26. From a conjoint reading of all the various medical opinions it can be conclusively held that the Appellant did not have binocular vision and the same would be an impediment in her ability to carry out the duties as had been advertised for the post. If the argument of the Appellant were to be accepted it would tantamount to changing the conditions of Advertisement, 1996 Medical Rules and requirements of the post and it may even jeopardize the life of the Appellant and organizational interest. The Advertisement was for fresh recruitment and it cannot be said in any manner whatsoever that the Appellant has been denied benefits of having applied in PwD category.

27. It has been contended by the learned Counsel for the Appellant that even if the Appellant's reduced binocular vision is taken into account the





principle of reasonable accommodation would obligate the Respondent ONGC to make all such necessary adjustments or modifications in her job profile that would enable her effective participation. The Appellant is essentially trying to contend that the principle of reasonable accommodation needs to be applied holistically to a person with disability, and in the present case the Respondent failed to do so in the case of the Appellant. This Court does not find any merit in this submission.

28. Before adverting to a discussion on why this Court does not find merit in the argument of the learned Counsel for the Appellant, it would be apposite to address the principle of reasonable accommodation. Section 2(y) which defines “*reasonable accommodation*” reads as under:

*2(y) “reasonable accommodation” means 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;*

29. Similarly, Section 3(5) and 20(2) of the Act, which give an enabling effect to the concept of reasonable accommodation reads as under:-

*“3(5) The appropriate Government shall take necessary steps to ensure reasonable accommodation for persons with disabilities.*

xxxx

*20(2) Every Government establishment shall provide reasonable accommodation and appropriate barrier free and conducive environment to employees with disability.”*



30. The term reasonable accommodation was given global recognition and legal force of international law by the United Nations Convention of Persons with Disabilities, 2006 (*hereinafter referred to as “CRPD”*). Article 2 defines reasonable accommodation to mean making necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms.

31. The principle marks a shift from the "medical model" of disability, which classifies people with disability as normal and abnormal, to the “social model” of disability, which views disability as an interaction between societal barriers and the people living with impairments. The explicit recognition of the principle of “reasonable accommodation”, under the Act is to elevate it to the level of a substantive right flowing from the mandate of Article 14 and 21 rather than leaving it as a matter of charity. This concept is to be understood on a case to case basis and requires tailoring the work environment and the job requirements to the needs of the individuals. However, there is a caveat that such an adjustment should not impose a disproportionate burden on the employer.

32. This principle has been explained elaborately by the Apex Court in Ravinder Kumar Dhariwal v. Union of India, (2023) 2 SCC 209, wherein the Apex Court has held as under:-

*“37. Article 14 of the Indian Constitution states that “[t]he State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India”. The right to equality under the Indian Constitution has two facets — formal*



*equality and substantive equality. While formal equality means that every person, irrespective of their attributes must be treated equally and must not be discriminated against; substantive equality is aimed at producing equality of outcomes through different modes of affirmative action. The principle of reasonable accommodation is one of the means for achieving substantive equality, pursuant to which disabled individuals must be reasonably accommodated based on their individual capacities. Disability, as a social construct, precedes the medical condition of an individual. The sense of disability is introduced because of the absence of access to facilities.*

*38. This Court in Vikash Kumar v. UPSC [Vikash Kumar v. UPSC, (2021) 5 SCC 370 : (2021) 2 SCC (L&S) 1] , recognised the social construction of disability and the necessity to provide reasonable accommodation to such persons to comply with the full purport of the equality provisions under the Constitution. One of us (D.Y. Chandrachud, J.) writing for the three-Judge Bench observed : (SCC p. 405, para 62)*

*“62. The principle of reasonable accommodation acknowledges that if disability as a social construct has to be remedied, conditions have to be affirmatively created for facilitating the development of the disabled. Reasonable accommodation is founded in the norm of inclusion. Exclusion results in the negation of individual dignity and worth or they can choose the route of reasonable accommodation, where each individual's dignity and worth is respected. Under this route, the ‘powerful and the majority adapt their own rules and practices, within the limits of reason and short of undue hardship, to permit realisation of these ends’. [ Reasonable Accommodation in A Multicultural*



*Society, Address to the Canadian Bar Association Continuing Legal Education Committee and the National Constitutional and Human Rights Law Section, 7-4-1995, Calgary, Alberta at 1.] ”*

*39. The provisions under Chapters VII and VIII are in furtherance of the principle of reasonable accommodation which is a component of the guarantee of equality. This has been recognised by a line of precedent. This Court in multiple cases has held that the principle of reasonable differentiation, recognising the different needs of persons with disabilities is a facet of the principle of equality. [Rajive Raturi v. Union of India, (2018) 2 SCC 413 : (2018) 1 SCC (L&S) 404; Disabled Rights Group v. Union of India, (2018) 2 SCC 397 : (2018) 1 SCC (L&S) 391.] In Jeeja Ghosh v. Union of India [Jeeja Ghosh v. Union of India, (2016) 7 SCC 761 : (2016) 3 SCC (Civ) 551] , A.K. Sikri, J. observed : (SCC p. 793, para 40)*

*“40. In international human rights law, equality is founded upon two complementary principles : non-discrimination and reasonable differentiation. The principle of non-discrimination seeks to ensure that all persons can equally enjoy and exercise all their rights and freedoms. Discrimination occurs due to arbitrary denial of opportunities for equal participation. For example, when public facilities and services are set on standards out of the reach of persons with disabilities, it leads to exclusion and denial of rights. Equality not only implies preventing discrimination (example, the protection of individuals against unfavourable treatment by introducing anti-discrimination laws), but goes beyond in remedying discrimination against groups suffering systematic discrimination in society. In concrete terms, it means embracing the notion of positive rights, affirmative action and reasonable accommodation.”*



(emphasis supplied)

*40. The facets of non-discrimination that guide the PwD Act are threefold : (i) right to formal equality, where no person shall be discriminated based on her disability; (ii) affirmative action in pursuance of substantive equality under Section 33; and (iii) reasonable accommodation of persons with disabilities such as provided under Section 47. There may be no specific provision in the PwD Act—unlike the RPwD Act—which provides persons with disability the right of non-discrimination. However, since the principle of substantive equality (of providing equal outcomes through affirmative action and reasonable accommodation) is premised on the principle of non-discrimination, there is no reason to hold that the principle of non-discrimination, of treating every person equally irrespective of her disability does not guide the entire statute.”*

33. It is well settled that while the powers of Writ Court is plenary its exercise is circumscribed to reviewing the legality and fairness of the process. This Court while exercising its power of judicial review cannot re-write the terms of a job advertisement. The Apex Court in Maharashtra Public Service Commission v. Sandeep Shriram Warade, (2019) 6 SCC 362 has held as under.

*"9. The essential qualifications for appointment to a post are for the employer to decide. The employer may prescribe additional or desirable qualifications, including any grant of preference. It is the employer who is best suited to decide the requirements a candidate must possess according to the needs of the employer and the nature of work. The court cannot lay down the conditions of eligibility, much less can it delve into the issue with regard to desirable qualifications being on a par with the essential eligibility by an interpretive re-writing of the*



*advertisement. Questions of equivalence will also fall outside the domain of judicial review. If the language of the advertisement and the rules are clear, the court cannot sit in judgment over the same. If there is an ambiguity in the advertisement or it is contrary to any rules or law the matter has to go back to the appointing authority after appropriate orders, to proceed in accordance with law. In no case can the court, in the garb of judicial review, sit in the chair of the appointing authority to decide what is best for the employer and interpret the conditions of the advertisement contrary to the plain language of the same.*

xxx

*14. The view taken by the Tribunal finds approval in Deptt. of Health & Family Welfare v. Anita Puri [Deptt. of Health & Family Welfare v. Anita Puri, (1996) 6 SCC 282 : 1996 SCC (L&S) 1491], observing as follows: (SCC pp. 285-86, para 7)*

*“7. Admittedly, in the advertisement which was published calling for applications from the candidates for the posts of Dental Officer it was clearly stipulated that the minimum qualification for the post is BDS. It was also stipulated that preference should be given for higher dental qualification. There is also no dispute that MDS is a higher qualification than the minimum qualification required for the post and Respondent 1 was having that degree. The question then arises is whether a person holding a MDS qualification is entitled to be selected and appointed as of right by virtue of the aforesaid advertisement conferring preference for higher qualification? The answer to the aforesaid question must be in the negative. When an advertisement stipulates a particular qualification*



*as the minimum qualification for the post and further stipulates that preference should be given for higher qualification, the only meaning it conveys is that some additional weightage has to be given to the higher qualified candidates. But by no stretch of imagination it can be construed to mean that a higher qualified person automatically is entitled to be selected and appointed. ... In this view of the matter, the High Court in our considered opinion was wholly in error in holding that a MDS qualified person like Respondent 1 was entitled to be selected and appointed when the Government indicated in the advertisement that higher qualification person would get some preference. The said conclusion of the High Court [Anita Puri v. Deptt. of Health & Family Welfare, 1993 SCC OnLine P&H 1462 : (1994) 1 SLR 656], therefore, is wholly unsustainable and must be reversed."*

(emphasis supplied)

34. Similarly, while exercising its power of judicial review, the Court cannot be permitted to expand the ambit of prescribed qualifications. The Apex Court in Shifana P.S. v. State of Kerala, (2024) 8 SCC 309, while reiterating this principle has held as under:

*"13. This Court in Zahoor Ahmad Rather v. Sk. Imtiyaz Ahmad [Zahoor Ahmad Rather v. Sk. Imtiyaz Ahmad, (2019) 2 SCC 404 : (2019) 1 SCC (L&S) 353] held that judicial review can neither expand the ambit of the prescribed qualifications nor decide the equivalence of the prescribed qualifications with any other given qualification. Therefore, the equivalence of a qualification is not a matter that can be determined in the exercise of the power of judicial review. Whether a particular qualification should or should not be regarded as equivalent is a matter for the State, as the recruiting authority, to determine."*



35. A related but equally important facet that needs to be appreciated is that even eligibility conditions are met the employer is the best judge to determine as to whether the selected candidates are suitable for the job or not and the Courts cannot sit in an appeal over the employer's decision regarding the suitability of a candidate, unless the decision is completely perverse. We draw strength from the decision of the Apex Court in Punjab National Bank v. Anit Kumar Das, (2021) 12 SCC 80, wherein the Apex Court has held as under:

*17.2. ....26. We are in respectful agreement with the interpretation which has been placed on the judgment in Jyoti K.K. [Jyoti K.K. v. Kerala Public Service Commission, (2010) 15 SCC 596 : (2013) 3 SCC (L&S) 664] in the subsequent decision in Anita [State of Punjab v. Anita, (2015) 2 SCC 170 : (2015) 1 SCC (L&S) 329] . The decision in Jyoti K.K. [Jyoti K.K. v. Kerala Public Service Commission, (2010) 15 SCC 596 : (2013) 3 SCC (L&S) 664] turned on the provisions of Rule 10(a)(ii). Absent such a rule, it would not be permissible to draw an inference that a higher qualification necessarily presupposes the acquisition of another, albeit lower, qualification. The prescription of qualifications for a post is a matter of recruitment policy. **The State as the employer is entitled to prescribe the qualifications as a condition of eligibility. It is no part of the role or function of judicial review to expand upon the ambit of the prescribed qualifications. Similarly, equivalence of a qualification is not a matter which can be determined in exercise of the power of judicial review. Whether a particular qualification should or should not be regarded as equivalent is a matter for the State, as the recruiting authority, to determine. The decision in Jyoti K.K. [Jyoti K.K. v. Kerala Public Service***





*Commission, (2010) 15 SCC 596 : (2013) 3 SCC (L&S) 664] turned on a specific statutory rule under which the holding of a higher qualification could presuppose the acquisition of a lower qualification. The absence of such a rule in the present case makes a crucial difference to the ultimate outcome. In this view of the matter, the Division Bench [Imtiyaz Ahmad v. Zahoor Ahmad Rather [Imtiyaz Ahmad v. Zahoor Ahmad Rather LPA (SW) No. 135 of 2017, decided on 12-10-2017 (J&K)] ] of the High Court was justified in reversing the judgment [Zahoor Ahmad Rather v. State of J&K [Zahoor Ahmad Rather v. State of J&K, 2017 SCC OnLine J&K 936] ] of the learned Single Judge and in coming to the conclusion that the appellants did not meet the prescribed qualifications. We find no error in the decision [Imtiyaz Ahmad v. Zahoor Ahmad Rather [Imtiyaz Ahmad v. Zahoor Ahmad Rather LPA (SW) No. 135 of 2017, decided on 12-10-2017 (J&K)] ] of the Division Bench.”*

*(emphasis in original)*

*That thereafter it is observed in para 27 as under : (SCC p. 415)*

*“27. While prescribing the qualifications for a post, the State, as employer, may legitimately bear in mind several features including the nature of the job, the aptitudes requisite for the efficient discharge of duties, the functionality of a qualification and the content of the course of studies which leads up to the acquisition of a qualification. The State is entrusted with the authority to assess the needs of its public services. Exigencies of administration, it is trite law, fall within the domain of administrative decision-making. The State as a public employer may well take into account social perspectives that require the creation of job opportunities across the societal structure. All these are essentially matters of policy. Judicial review must tread warily. That is why the decision in Jyoti*



*K.K. [Jyoti K.K. v. Kerala Public Service Commission, (2010) 15 SCC 596 : (2013) 3 SCC (L&S) 664] must be understood in the context of a specific statutory rule under which the holding of a higher qualification which presupposes the acquisition of a lower qualification was considered to be sufficient for the post. It was in the context of specific rule that the decision in Jyoti K.K. [Jyoti K.K. v. Kerala Public Service Commission, (2010) 15 SCC 596 : (2013) 3 SCC (L&S) 664] turned."*

***17.3. Thus, as held by this Court in the aforesaid decisions, it is for the employer to determine and decide the relevancy and suitability of the qualifications for any post and it is not for the courts to consider and assess. A greater latitude is permitted by the courts for the employer to prescribe qualifications for any post. There is a rationale behind it. Qualifications are prescribed keeping in view the need and interest of an institution or an industry or an establishment as the case may be. The courts are not fit instruments to assess expediency or advisability or utility of such prescription of qualifications. However, at the same time, the employer cannot act arbitrarily or fancifully in prescribing qualifications for posts. In the present case, prescribing the eligibility criteria/educational qualification that a graduate candidate shall not be eligible and the candidate must have passed 12th standard is justified and as observed hereinabove, it is a conscious decision taken by the Bank which is in force since 2008. Therefore, the High Court has clearly erred in directing the appellant Bank to allow the respondent-original writ petitioner to discharge his duties as a Peon, though he as such was not eligible as per the eligibility criteria/educational qualification mentioned in the advertisement."***

**(emphasis supplied)**



36. The only aspect that this Court needs to investigate is whether the Respondent ONGC made any attempt to accommodate the Appellant within their organization or whether they failed to do so. This Court is of the view that Respondent ONGC made concerted efforts to accommodate the Appellant within their organization. They accorded the Appellant multiple opportunities to get her vision corrected so that she could meet the physical standards of the job. While approaching this question it is also imperative to view the conduct of Respondent ONGC through the prism of clause 6 (m) of their Advertisement, which clearly highlights that appointment of a selected candidate would be subject to them passing the Company's Medical Examination. Being shortlisted does not automatically create a vested right in favour of a prospective candidate. In this context it would also be apposite to advert to Rule 2.1 of the 1996 Medical Rules, which reads as under:

*"2.1 Every candidate /fresh entrant in order to be eligible for appointment in the company will be required to undergo a medical examination of the appropriate standard by a Medical Authority as mentioned in Sub-Rule 3(e) and will be required to produce a certificate of fitness from that Authority."*

37. The 1996 Medical Rules set out the standards and parameters based on which such an assessment would be made. When the Advertisement is read conjointly with the 1996 Medical Rule and Notification No. 16-15/2010-DD.III, dated 29.07.2013 by the Department of Disability Affairs, Ministry of Social Justice and Empowerment, it cannot be said in any manner whatsoever that Respondent ONGC did not try to reasonably accommodate the Appellant within the organization. Accordingly, the refusal of appointing the Appellant cannot be said to be arbitrary or



discriminatory, rather the decision taken by Respondent ONGC is strictly in accordance with the governing rules and policies.

38. This Court also deems it appropriate to consider the precedents which have been relied upon by the learned Counsel for the Appellant. The Judgements passed by the Apex Court in Vikash Kumar (supra) and Anmol (supra) are distinguishable on facts. In the case of Vikash Kumar (supra) the Petitioner therein had sought assistance of a scribe for writing his examination and the same was rejected by the UPSC claiming only blind candidates and candidates with locomotor disability and cerebral palsy and 40% impairment could be provided with a scribe. In the said case, providing a scribe would not have altered the basic and essential requirements of the candidate but were merely a means of facilitating him to appear in the examination. However, in the present case the Appellant is seeking relaxation of the basic eligibility criteria that has been mandated and advertised by the employer. The visual impairment and lack of binocular vision goes to the root of basic minimum physical qualifications of the candidates as advertised by the Respondent ONGC and would level an undue burden on the organization. Respondent ONGC has consciously chosen not to reserve the post for the visually impaired candidates under the PwD category.

39. Similarly, in the case of Anmol (supra), the candidate was seeking admission into an educational institution. The role of the Court was to regulate the blanket ban and restriction on the admission of the individual in the educational institution. However, in the present case the Respondents actions are rooted in statutory rules and are in accordance with the conditions of the advertisements, employment was contingent upon the



Appellant clearing the medical examination. Furthermore, it has been repeatedly underscored that the Appellant seeks appointment to a post where binocular vision would be imperative for ensuring operational safety.

40. As rightly held by the Learned Single Judge, the principle of reasonable accommodation cannot stretch to altering the essential terms and requirements of a job advertisement. The Respondent ONGC's stand that the post in question involves working in an extremely noisy environment, operating heavy machinery with lots of vibration and high voltages, etc, underscores the necessity of the prescribed medical standards and cannot be ignored.

41. In light of the above, this Court finds no infirmity in the Order of the learned Single Judge. Resultantly, the instant appeal is dismissed along with pending application(s), if any.

**SUBRAMONIUM PRASAD, J**

**SAURABH BANERJEE, J**

**OCTOBER 14, 2025**

hsk/VR