

Pathways to Access: Courts on Disability Rights [Updated Compendium]

About this Edition

This compendium is a continuation of the earlier volume titled *Pathways to Access: Courts on Disability Rights*, which compiled landmark judicial developments on the rights of persons with disabilities in India. This updated edition includes notable judgments delivered by the Supreme Court and High Courts between August 2023 and June 2025, reflecting the evolving legal landscape on disability rights. The judgments included herein pertain primarily to the Rights of Persons with Disabilities Act, 2016, and where relevant, its predecessor – the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

This resource is intended as a user-friendly legal primer – particularly for persons with disabilities, caregivers, public officials, legal practitioners, and civil society organisations – to better understand the law and the courts' interpretations of the rights, entitlements, and protections guaranteed under the Rights of Persons with Disabilities Act, 2016 and related legislation. The compendium has been prepared in plain English, with careful attention to ensure that the essence of the Courts' observations is retained. All judgments included are available in the public domain and can be accessed using the case details provided.

Framework and Approach- Supreme Court

This booklet captures and encapsulates the existing position of law on rights of persons with disabilities in India. This is done through collation of summaries of notable judgements delivered by the Supreme Court of India with respect to the primary legislation on the subject, the Rights of Persons with Disabilities Act, 2016. The extant legislation being fairly recent, progressive judgements of its predecessor, Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 have also been included.

Care has been taken to ensure that the booklet contains only those rights and duties enunciated by the Court which continue to hold and are considered to be good law, in application in the country. The judgements included herein are in the public domain and can be accessed on the website of the Supreme Court of India by inputting case details like names of respective parties, as provided within the booklet. It has been prepared in plain English with due care to ensure that the essence of the Court's observations has not been compromised. It has been prepared as such to serve as a primer for the public at large, particularly persons with disabilities in understanding the law, the rights and duties pertaining to them for their respective personal or professional requirements.

Framework and Approach- High Courts

Besides compilation of the notable judgements delivered by various High Courts in India pertaining to the rights of persons with disabilities, this booklet also compiles notable judgements pronounced by various High Courts in the country pertaining to the rights of persons with disabilities. For the reasons set out above, the judgements included in the booklet are centred on the law as enunciated by the High Courts, pertaining to the Rights of Persons with Disabilities Act, 2016 and progressive judgements under its predecessor, Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. The judgements delivered by the various High Courts were evaluated against the following three criteria:

- a. The observations by the particular High Court in the judgement pertain to a subject matter which has not previously been dealt with by the Supreme Court and the particular judgement settles the position of law.
- b. The judgement is one where the High Court clarifies the finer details or builds upon a judgement by the Supreme Court, thereby supplementing it and aiding its implementation.
- c. The judgement is one where the High Court applies a Supreme Court judgement in a context different from the context in which the Supreme Court delivered the judgement.

Only those judgements which meet any one or more of the aforesaid criteria have been included in the booklet. Care has been taken to ensure that the booklet contains only those rights and duties enunciated by the High Courts which continue to hold and are considered to be good law, in application in the respective jurisdictions in which they have been delivered. The judgements included herein are available in the public domain and can be accessed on the respective websites of the various High Courts by inputting case details like names of respective parties, as provided within the booklet. It has been prepared in plain English with due care to ensure that the essence of the Courts' observations has not been compromised. It has been prepared as such to serve as a primer for the public at large, particularly persons with disabilities in understanding the law, the rights and duties pertaining to them for their respective personal or professional requirements.

Abbreviations

- **HC:** High Court
- **MH Act, 2017:** Mental Healthcare Act, 2017
- **MH Act, 1987:** Mental Health Act, 1987
- **National Trust Act, 1999:** National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999

- **PwD Act, 1995:** Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995
- **RPwD Act, 2016 :** Rights of Persons with Disabilities Act, 2016
- **SC:** Supreme Court of India
- **UNCRPD:** United Nations Convention on the Rights of Persons with Disabilities

Disclaimers:

1. This compilation is intended solely for informational and educational purposes and does not constitute legal advice or an official legal record. Readers are encouraged to verify the current status, citation, and applicability of each judgment from primary sources, particularly for use in litigation, policy work, or academic writing.
2. The summaries have been prepared using publicly available versions of the judgments as accessible on the official websites of the Supreme Court and respective High Courts, and have been accurate to the best of our understanding as of 15 June 2025. Judgments or developments published after this date, or those that were issued before but became publicly accessible only later, have not been incorporated in this volume.
3. Only substantive decisions interpreting or applying the law in a significant way have been included. Interim orders, procedural decisions, or judgments without material legal reasoning under the Rights of Persons with Disabilities Act framework have been excluded.

Compilation of summaries of judgements delivered by Supreme Court of India

S. No.	Year/ Bench Size	Relevant Legal Provisions	Summary of Judgment	Right	Tags
1.	2025, Division Bench	RPwD Act, 2016: Section 2(c), 2(y), 3, 13(1), 21(1), 32, 34, 40, 42, 46	<p><i>Pragya Prasun & Ors. v. Union of India & Ors., (2025) INSC 599: MANU/SC/0605/2025</i></p> <p>The petition was filed seeking accessible alternatives for the Digital Know Your Customer (KYC) process, particularly for persons with disabilities such as acid attack survivors with permanent facial or ocular disfigurement.</p> <p>The SC noted that while digital KYC has improved efficiency, it excludes many persons with disabilities due to design barriers. Visually impaired individuals face challenges with screen readers; persons with mobility impairments are unable to complete selfie or signature capture requirements; and users with cognitive disabilities struggle with complex interfaces. These barriers result in exclusion from essential services and violate the rights to equality, dignity, and non-discrimination under the RPwD Act, 2016.</p> <p>The SC directed the formulation of inclusive digital KYC guidelines in line with Web Content Accessibility Guidelines and universal design. It stressed that reasonable accommodations must be integrated into digital verification systems to uphold legal obligations and prevent marginalisation.</p>	<ul style="list-style-type: none"> Right to accessible and inclusive digital services for persons with disabilities 	Digital Accessibility, Financial Inclusion, Reasonable Accommodation
2.	2025,	RPwD Act,	<i>Rajeeb Kalita v. Union of India 2025 INSC 75:</i>	<ul style="list-style-type: none"> Right to 	Accessibility,

	Division Bench	2016: Sections NA	<p>MANU/SC/0072/2025</p> <p>A writ petition was filed seeking directions to all States and Union Territories to ensure the availability of basic toilet facilities for men, women, persons with disabilities, and transgender persons in all Courts and Tribunals across India. It was submitted that lack of accessible sanitation violated constitutional duties to improve public health and uphold dignity.</p> <p>The SC directed HCs and State Governments to ensure the construction and maintenance of separate and accessible toilets in all court premises. It held that such facilities must be clearly marked and accessible to judges, lawyers, litigants, and staff, including persons with disabilities.</p> <p>To implement this directive, the SC ordered each HC to constitute a committee chaired by a Judge nominated by the Chief Justice. The committee is to include state officials, court representatives, and members of the Bar, and is tasked with preparing a comprehensive plan within six weeks for ensuring sanitation access and monitoring compliance.</p>	accessible toilet facilities for persons with disabilities in court and tribunal premises	Infrastructure
3.	2024, Judge Bench	3 RPwD Act, 2016: Section 2(b), 2(ze), 41, 42, 43, 44, 45, 46, 89, 100	<p>Rajive Raturi v. Union of India 2024 INSC 858: MANU/SC/1618/2017</p> <p>The case concerned the enforceability of accessibility rights under the RPwD Act, 2016. The SC held that Rule 15 of the Rights of Persons with Disabilities Rules, 2017—which treated accessibility guidelines as merely recommendatory—was ultra vires the parent legislation. The SC declared that accessibility is</p>	<ul style="list-style-type: none"> Right to accessible public spaces, services, and information as part of fundamental 	Accessibility, Equality, Dignity, Public Infrastructure, Fundamental Rights

			<p>integral to the exercise of fundamental rights under Articles 14, 19, and 21 of the Constitution of India.</p> <p>It observed that accessibility encompasses physical environments, transport, information, communication, and digital platforms, and is essential to ensuring full and independent participation of persons with disabilities in public life. Accessibility is not a standalone right, but a necessary condition for realising existing human rights.</p> <p>Referring to international instruments, the SC noted that accessibility enables the enjoyment of the right to movement, freedom of expression, and dignity, as recognised in the Universal Declaration of Human Rights and International Covenant on Civil and Political Rights. The SC reaffirmed that formal equality is insufficient, and substantive equality demands affirmative action by the state to make rights meaningful for persons with disabilities.</p>	rights	
4.	2024, Judge Bench	3 RPwD Act, 2016: Section 2, 2(h), 2(s), 2(y), 3, 21, 25, 32	<p><i>Om Rathod v. The Director General of Health Services 2024 INSC 836: MANU/SC/1172/2024</i></p> <p>The petitioner, a person with disability, sought systemic changes to ensure accessibility and reasonable accommodations in medical education, beginning with the National Eligibility-Cum-Entrance Test (NEET). The SC held that accessibility obligations extend from the application stage through admission and academic life in medical colleges.</p> <p>The SC directed that NEET application portals must disclose the accessibility compliance status of participating medical colleges</p>	<ul style="list-style-type: none"> Right to accessibility, informed choice, and reasonable accommodations in medical education 	NEET, Higher Education, Examination, Reasonable Accommodation

			<p>to enable informed choices for prospective students with disabilities. Once admitted, the Enabling Units—mandated by the University Grants Commission—must serve as dedicated points of contact for clinical accommodations and support. The SC further directed that these Enabling Units, along with Equal Opportunity Cells, be clearly publicised through admission booklets, college websites, and institutional policies under Section 21 of the RPwD Act.</p> <p>The SC emphasised that inclusion of persons with disabilities in the medical profession strengthens fraternity and advances constitutional guarantees under Articles 14, 15, 19, and 21.</p>		
5.	2024, Judge Bench	3 RPwD Act, 2016: Section 2(m), 2(r), 2(y), 3, 15, 32	<p><i>Omkar Ramchandra Gond v. Union of India & Ors. 2024 INSC 775: MANU/SC/1110/2024</i></p> <p>The petitioner, a person with a speech and language disability exceeding 40%, was denied admission to a medical course under the Graduate Medical Education Regulations. The SC held that a benchmark disability alone cannot disqualify a candidate from eligibility without an individualized assessment.</p> <p>The SC emphasised that a purposive interpretation of the RPwD Act and Article 41 of the Constitution requires assessing whether a candidate's disability actually hinders their ability to pursue the course. Blanket disqualifications based solely on quantification violate the equality mandate by treating unequals equally.</p> <p>Accordingly, the SC directed that Disability Assessment Boards must provide a reasoned evaluation on whether a candidate's</p>	<ul style="list-style-type: none"> Right to reservation of persons with disabilities 	<p>NEET, Reservation, Higher Education, Medical Education, Disability Assessment</p>

			disability would impede their ability to pursue the specific course. A candidate cannot be deemed ineligible solely on the basis of exceeding a threshold percentage of disability.		
6.	2023, Division Bench	RPwD Act, 2016: Section 2(r), 2(s), 2(y), 33, 34	<p><i>Mohamed Ibrahim v. The Chairman and Managing Director & Ors. 2023 INSC 914: MANU/SC/1147/2023</i></p> <p>The petitioner, disqualified from employment due to colour blindness, challenged the action on the ground of discrimination. The Supreme Court held that the principle of reasonable accommodation under the RPwD Act, 2016 applies even to conditions not classified as benchmark disabilities.</p> <p>The SC emphasised that colour blindness should not be a ground for exclusion without assessing whether the condition truly impedes performance and whether accommodations are possible. It reiterated that the right to equality, dignity, and participation under the RPwD Act, 2016 includes a duty on employers to make appropriate modifications unless doing so would impose a disproportionate burden.</p> <p>Accordingly, the SC directed the petitioner's reinstatement with full benefits, holding that blanket disqualification without exploring reasonable adjustments violates the non-discrimination mandate under the RPwD Act, 2016.</p>	<ul style="list-style-type: none"> • Right to reasonable accommodation and non-discrimination in employment 	Employment, Colour Blindness, Discrimination, Reasonable Accommodation

Compilation of summaries of judgements delivered by High Courts in India

Sr. No.	Year/ Bench Size	Relevant Provisions	Summary/ Judgement Link	Right	Tags
1	2025, Kerala High Court, Division Bench	RPwD Act, 2016: Sections NA	<p><i>District Officer, Kerala Public Service Commission and Ors. Vs. Saritha S. Babu and Ors. WA Nos. 1731 of 2014 and 225 of 2015</i></p> <p>The Kerala HC addressed whether a candidate with an orthopaedic disability could be appointed to a post reserved for another disability category under the 3% reservation for persons with disabilities in the District Co-operative Bank, Thiruvananthapuram.</p> <p>The HC held that as per Section 36 of the PwD Act, 1995, if no suitable candidate is available in a particular disability category, the vacancy must be carried forward to the next recruitment year. Interchange between categories is permitted only if, in the subsequent year, no suitable candidate is found in any of the three notified disability categories. The HC clarified that premature interchange violates the legislative intent behind horizontal reservation for persons with disabilities.</p> <p>Accordingly, the appeal by the candidate was dismissed, and the Kerala Public Service Commission's appeal was partly allowed, affirming the duty to first carry forward vacancies before considering inter-category adjustment.</p>	<ul style="list-style-type: none"> • Right to Employment • Right to Reservation 	Reservation, Employment
2	2025,	RPwD Act,	<i>Union of India and Ors. vs. A. Marimuthu and Ors. W.A. No.</i>	<ul style="list-style-type: none"> • Right to 	Employment,

	Madras High Court, Division Bench	2016: Sections 20, 20(4), 76	<p>1864 of 2024 and C.M.P. No. 13470 of 2024</p> <p>The Madras HC considered whether an employee of the Railway Protection Force, who acquired a disability during service, could have their pay scale reduced from INR 2,400 to INR 1,900.</p> <p>Relying on Section 20 of the RPwD Act, 2016 and the SC's decision in <i>Geetaben Ratilal Patel</i>, the HC held that no employee who acquires a disability during service can be demoted or dismissed solely on that ground. If the employee is found unfit for their original duties, the employer must reassign them to an alternative post with the same pay scale and benefits.</p> <p>The HC dismissed the appeal filed by the Union of India and directed compliance with the statutory mandate, affirming the employee's right to non-discrimination and equal pay.</p>	continued employment and equal pay after acquiring disability during service	Pay Scale, Non-Discrimination
3	2025, High Court of Orissa, Division Bench	RPwD Act, 2016: Section 2(s), 14	<p>Epari Sushma Vs. Ministry of Health and Family Welfare and Ors. W.P. (C) No. 24656 of 2024</p> <p>The petitioner sought to be declared the legal guardian of her husband, who was in a permanent vegetative state following a brain injury. In the absence of statutory provisions for appointing guardians for incapacitated adults under the RPwD Act, 2016 or any other legislation, the HC invoked its parens patriae jurisdiction under Article 226 of the Constitution.</p> <p>Relying on decisions such as <i>Aruna Shanbaug</i> and <i>Shobha</i></p>	<ul style="list-style-type: none"> • Right to legal guardianship 	Legal Capacity, Guardianship, Dignity

			<p><i>Gopalakrishnan</i>, the HC held that in cases of prolonged incapacity, it may intervene to protect the life, dignity, and property of such individuals. Recognising the petitioner as the most natural guardian, the HC directed relevant authorities to formally acknowledge her legal guardianship and issued broad directions for similar future cases.</p> <p>The judgment filled a critical legislative gap, affirming that courts can protect the rights of vulnerable persons even where statutory silence persists.</p>		
4	2025, High Court of Guwahati, Single-Judge Bench	<p>RPwD Act, 2016: Section 2, 2(r), 2(s)</p> <p>RPwD Rules, 2017: Rule 18(3)</p>	<p><i>Oil and Natural Gas Corporation Ltd. and Ors. Vs. Ankush Saikia and Ors. WA/194/2024</i></p> <p>The HC considered whether the respondent, who held a temporary disability certificate indicating 55% hearing impairment, was eligible for appointment under the disability category for the post of Junior Technician (Diesel) at ONGC.</p> <p>The Court held that a person must have a long-term physical or mental impairment to qualify as a “person with disability” under the RPwD Act, 2016. Since the respondent's certificate did not establish a permanent condition or benchmark disability as defined under Section 2(s) of the RPwD Act, 2016, the HC ruled that he was not entitled to reservation under the disability quota.</p> <p>The Single Judge’s direction to appoint the respondent was set aside, and the writ petition was dismissed.</p>	<ul style="list-style-type: none"> Right to Reservation, 	<p>Employment, Disability Certificate, Benchmark Disability, Reservation</p>
5	2025, High	RPwD Act,	<i>Durgesh Kumar Vs. The State of Bihar and Ors. Civil Writ</i>	<ul style="list-style-type: none"> Right of 	Employment,

	Court of Patna	<p>2016: Section 2, 2(h), 2(r), 3, 3(3), 32, 33, 34, 57, 58, 100</p> <p>RPwD Rules, 2017: Rule 2(1), 3</p>	<p><i>Jurisdiction Case No. 2673 of 2021</i></p> <p>The Patna HC examined whether selection to a reserved post based on an expired or temporary disability certificate was valid, and whether a candidate with a permanent disability had a superior claim.</p> <p>The HC found that the Bihar Public Service Commission (BPSC) acted in error by permitting a candidate with an invalid temporary disability certificate to participate in the recruitment process. This amounted to discrimination against the petitioner, who possessed a valid certificate of permanent disability. The HC held that such administrative oversight violated both the RPwD Act, 2016 and recruitment norms, and directed the petitioner's immediate appointment as lecturer.</p> <p>The HC also ordered the BPSC to initiate an internal inquiry and awarded compensation to the petitioner for the delay and procedural unfairness. It reaffirmed that eligibility under the disability quota requires compliance with statutory definitions and fairness in selection.</p>	Employment	Reservation, Permanent Disability, Disability Certificate, Fair Process
6	2025, High Court of Rajasthan, Single-Judge Bench	<p>RPwD Act, 2016: Section 2, 2(h), 2(r), 2(s), 3, 20, 21</p>	<p><i>Deva Ram Shivran Vs. The State of Rajasthan and Ors. S.B. Civil Writ Petition Nos. 4343/2001 and 3500/2006</i></p> <p>The petitioner, a candidate for the Rajasthan Administrative Service (RAS), was denied appointment after being declared medically unfit on the basis of visual impairment below 40%, which did not qualify as a benchmark disability.</p>	<ul style="list-style-type: none"> • Right of Employment 	Employment, Visual Impairment, Discrimination

			<p>The HC held that exclusion from service on this basis was arbitrary and discriminatory. It observed that while the petitioner did not meet the threshold for reservation under the disability category, the same condition could not be used to exclude him from selection under the general category. Such action violated the principles of equality and non-discrimination under the RPwD Act, 2016.</p> <p>Quashing the medical rejection, the HC directed the petitioner's appointment with retrospective effect from 2006, along with all consequential service benefits and compensation of INR 5,00,000. The judgment reaffirmed that partial disabilities, while outside the benchmark threshold, cannot form the basis of exclusion unless proven to impair actual performance.</p>		
7	2025, High Court of Punjab and Haryana, Single-Judge Bench	RPwD Act, 2016: Section 33, 34, 34(1)	<p><i>Vikram and Ors. Vs. State of Haryana and Ors. CWP-12714-2022, CWP-1137-2023, CWP-12848-2022, CWP-12898-2022 O&M, CWP-13023-2022 O&M, CWP-14301-2022, CWP-15279-2022, CWP-23349-2022, CWP-8345-2024 and CWP-9622-2023</i></p> <p>The petitioners challenged an advertisement issued by the Haryana Staff Selection Commission reserving posts of Assistant Lineman exclusively for persons with hearing impairment, thereby excluding candidates with locomotor disabilities such as a disability of one leg.</p> <p>The HC held that the exclusion of otherwise eligible persons with disabilities was arbitrary and in violation of Sections 33</p>	<ul style="list-style-type: none"> • Right of Employment • Right to Reservation 	Employment, Reservation, Locomotor Disability, Hearing Impairment, Discrimination

			<p>and 34 of the RPwD Act, 2016, as well as the Government of India's 2013 notification (adopted by the State) identifying suitable categories for the post. It ruled that reservation must be inclusive of all notified eligible disability categories and cannot be artificially restricted.</p> <p>Accordingly, the HC directed the respondents to consider candidates with a disability of one leg and imposed costs for misleading statements made by the State in the course of litigation.</p>		
8	2025, High Court of Delhi, Division Bench	<p>RPwD Act, 2016: Section 102, 20, 21, 3, 44, 45, 46, 47, 61, 62, 63, 74, 75, 75(1), 76, 76(1), 77, 89</p> <p>RPwD Rules, 2017: Section 8(3)</p>	<p><i>Mukesh Kumar vs. National Power Training Institute and Ors. LPA 980/2024, CM Appl. 57774/2024, CM Appl. 57775/2024, CM Appl. 57776/2024, CM Appl. 57777/2024 and CM Appl. 12362/2025</i></p> <p>The DelhiHC examined the scope of the Chief Commissioner for Persons with Disabilities' (CCPD) authority under the RPwD Act, 2016, in issuing interim directions in service matters.</p> <p>The petitioner, a person with disability, had challenged his transfer, and the CCPD had directed a stay on the transfer. The HC held that while the CCPD is empowered to issue interim recommendations under Section 75(1), such directions are not binding unless justified refusal is not provided by the concerned authority. The HC clarified that the nature of the CCPD's powers is primarily recommendatory and subject to procedural safeguards under Section 76 of the RPwD Act, 2016.</p>	<ul style="list-style-type: none"> • Scope and Limits of the Powers of the CCPD 	<p>Administrative Authority, CCPD, Service Law, Procedural Safeguards</p>

			The judgment modified the single judge's ruling, holding that the CCPD's order must be treated as a non-binding recommendation requiring due consideration. The appeal was disposed of with no costs.		
9	2025, High Court of AP, Single-Judge Bench	RPwD Act, 2016: Section 34(2)	<p><i>Gudapaty Rajesh Dinakar vs State of Andhra Pradesh and Ors. Writ Petition No. 1295/2023</i></p> <p>The petitioner, a visually impaired male candidate, was denied appointment as a School Assistant under a vacancy reserved for visually handicapped women, despite being first in the merit list for his disability category.</p> <p>The HC examined the applicability of Rule 22 of the Andhra Pradesh State and Subordinate Service Rules, 1996, which permits appointment of male candidates in women's quota where no suitable female candidate is available. The authorities contended that the post should be carried forward or interchanged. However, the HC held that the proviso to Rule 22 was applicable and ensured that reservation for persons with disabilities is not defeated by rigid application of gender-based vertical quotas.</p> <p>The HC directed the petitioner's appointment and set aside the rejection order.</p>	<ul style="list-style-type: none"> Right of Reservation 	Reservation, Visually Impaired, Gender Quota, Service Rules
10	2025, High Court of Madras, Single-Judge Bench	PwD (Equal Opportunities, Protection of Rights and Full Participation)	<p><i>G. Suseentharan vs Tamil Nadu State Transport Corporation (Coimbatore) Limited, Rep. by its Managing Director and Others W.A. No. 301 of 2025, W.A. No. 435 of 2025, W.A. No. 436 of 2025, C.M.P. Nos. 3629 and 3631 of 2025</i></p>	<ul style="list-style-type: none"> Right of Employment 	Employment, Visual Impairment, Disability During

		<p>Act, 1995: Section 47 (NA)</p> <p>RPwD Act, 2016: Section 20(4)</p>	<p>The petitioner, a driver employed by the State Transport Corporation, developed severe visual impairment during service and sought reassignment under Section 20(4) of the RPwD Act, 2016. Instead, the employer initiated disciplinary proceedings on the grounds of suppression of a congenital condition and unauthorised absence.</p> <p>The HC held that the impairment had arisen during the course of employment and quashed the charge memos as arbitrary. It reaffirmed that no employee who acquires a disability while in service may be dismissed or demoted. The employer is obligated to reassign such persons to suitable alternative posts with protection of pay and service benefits.</p> <p>The HC directed the Corporation to provide appropriate employment and salary arrears. Both the employee's and Corporation's appeals were disposed of, affirming the employee's statutory rights.</p>		Service
11	2025, High Court of MP, Single-Judge Bench	RPwD Act, 2016: Section 34, 12	<p><i>Siddhi Paal and Others vs State of MP and Others Writ Petition No. 41374 of 2024, Writ Petition No. 574 of 2025, Writ Petition No. 577 of 2025, Writ Petition No. 6233 of 2025 and Writ Petition No. 6235 of 2025</i></p> <p>The petitioners, all persons with higher benchmark disabilities, challenged the selection of candidates with lower disability percentages for Class IV posts, alleging non-compliance with a 2018 government circular mandating preferential consideration for individuals with higher degrees</p>	<ul style="list-style-type: none"> • Right to preferential appointment for persons with higher benchmark disabilities 	Employment, Reservation

			<p>of disability.</p> <p>The HC found that the authorities had failed to properly apply the circular and instead relied solely on educational merit, undermining the objective of Section 34 of the RPwD Act, 2016. It held that preference for higher disability percentages is a legitimate criterion within horizontal reservation frameworks, especially where qualifications are otherwise equal.</p> <p>The HC quashed the contested advertisements and appointments, directing the State to re-advertise the posts in accordance with applicable disability law and reservation policy.</p>		
12	2025, High Court of Bombay, Division Bench	RPwD Act, 2016: Section 2(m)	<p><i>Suyash Suryakant Patil vs National Medical Commission, through its Secretary and Others Writ Petition No. 13072 of 2024</i></p> <p>The petitioner, with multiple disabilities amounting to 58%, including a speech disability exceeding 40%, was denied MBBS admission under NEET-UG 2024 based on Medical Council of India (MCI) guidelines barring candidates with speech and hearing disabilities above 40%. Though initially rejected by a local medical board, a subsequent assessment by the NEET Disability Certification Medical Board (DCMB) found him functionally capable of pursuing the course, albeit ineligible for reservation.</p> <p>The HC held that once a valid certificate establishes benchmark disability, the DCMB's role is limited to evaluating</p>	<ul style="list-style-type: none"> • Right to Reservation 	NEET, MBBS Admission, Benchmark Disability, Functional Competence, Medical Education

			<p>functional ability to complete the course. It cannot re-quantify disability or override a valid certificate. The Court clarified that candidates with benchmark disabilities should not be excluded from reservation or admission if found functionally competent.</p> <p>The HC directed that the petitioner be admitted to the MBBS course under the persons with disabilities reservation category, with a supernumerary seat created if necessary.</p>		
13	2025, High Court of Delhi, Division Bench	<p>RPwD Act, 2016: Section 40, 44, 45, 46, 81, 89, 93, 95</p> <p>RPwD Rules, 2017: Rules 2(2), 15</p>	<p>Jayant Singh Raghav vs Vice Chairman, Delhi Development Authority and Others W.P.(C) 7642/2022, CM Appl. 12458/2024 (for Restoration) and CM Appl. 59114/2024</p> <p>The petitioner, a visually impaired individual, sought enforcement of accessibility standards under the RPwD Act, 2016 across his entire apartment complex. Although the housing society had implemented accessibility features in the petitioner's building, he contended that all blocks in the residential complex must be retrofitted to meet legal standards.</p> <p>The HC examined whether mandatory accessibility requirements under the RPwD Act, 2016 extend to private residential complexes. It held that under current law, only "public buildings" fall within the scope of mandatory accessibility obligations under Sections 44-46 of the RPwD Act, 2016. Private housing societies, while encouraged to make accessibility upgrades, are not legally mandated to do so unless such buildings are classified as public buildings.</p>	<ul style="list-style-type: none"> • Right to Accessible Housing and Infrastructure 	Accessibility, Private Housing, Public Buildings

			The HC acknowledged the value of accessible housing but held that retrofitting in private residential complexes remains a voluntary, not statutory, requirement.		
14	2025, Madras High Court, Single-Judge Bench	RPwD Act, 2016: 32	<p>S. Abdulkhader vs Union of India, rep. by the Secretary to Government, Ministry of Health and Family Welfare and Others W.P. No. 39514 of 2024 and W.M.P. Nos. 42788 & 42789 of 2024</p> <p>The petitioner challenged the application of communal (caste-based) reservation within the 5% quota for persons with disabilities during NEET PG 2024 counselling for Tamil Nadu Government Medical Colleges. It was argued that such subdivision of the persons with disabilities quota violated Section 32 of the RPwD Act, 2016 and diluted the non-discriminatory purpose of horizontal reservation.</p> <p>The HC held that integrating vertical (communal) reservation within the horizontal persons with disabilities quota was a permissible policy choice. It found no procedural error in the seat allocation process and observed that communal categorisation within the persons with disabilities quota did not contravene the mandate of the RPwD Act, 2016.</p> <p>The petition was dismissed, affirming the validity of combining vertical and horizontal reservations in the admission process.</p>	<ul style="list-style-type: none"> Right to Reservation 	Reservation, NEET, Non-Discrimination, Examination, Admission
15	2024, J&K High Court, Division	RPwD Act, 2016: Section	Sajad Ahmad Mir and Others vs UT of J&K and Others WP(C) No. 2530/2024 and CM No. 6854/2024	<ul style="list-style-type: none"> Right to Reservation 	Reservation, NEET, Benchmark

	Bench	2(r), 2(s), 32 Jammu & Kashmir RPwD Rules, 2021: Rule 26	<p>The petitioners, NEET-UG 2024 candidates, challenged the rejection of their applications under the reservation quota for persons with disabilities on the ground that their disability certificates reflected temporary, not permanent, conditions.</p> <p>They contended that neither the RPwD Act, 2016 nor the Jammu & Kashmir Reservation Act made such a distinction. The HC held that reservation is available only to persons with “benchmark disabilities” as defined in Section 2(r) of the RPwD Act, 2016—meaning those with long-term or permanent disabilities. Temporary impairments do not confer eligibility for reservation.</p> <p>Accordingly, the writ petition was dismissed, affirming that benchmark disability is a prerequisite for accessing reservation benefits under the RPwD Act, 2016 framework.</p>		Disability, Temporary Disability
16	2024, High Court of Kerala, Single-Judge Bench	RPwD Act, 2016: Section 2(r), 32, 56, 57, 58, 59 RPwD Rules, 2017: Rule 18 & 19	<p>Kshithi P.V. vs Union of India, Represented by its Secretary and Others WP(C) No. 29723 of 2024, WP(C) No. 28507 of 2024 and WP(C) No. 29803 of 2024</p> <p>The petitioners, persons with benchmark disabilities certified under the RPwD Act, 2016, were denied admission to medical courses under the disability quota after State-level medical boards reassessed their disability percentages as below 40%.</p> <p>The petitioners argued that only the designated certifying authorities under the RPwD Act, 2016 have jurisdiction to determine disability percentages. The role of the State Medical Board is limited to assessing functional suitability for</p>	<ul style="list-style-type: none"> • Right to Reservation 	Medical Admissions, Benchmark Disability, MBBS, NEET, Certification Authority

			<p>course completion, not to reassessing disability percentages. The HC held that the actions of the State Medical Board and State Committee were without statutory authority and contrary to the RPwD Act, 2016 framework.</p> <p>The HC directed the authorities to restore the petitioners to the list of eligible candidates for admission under the persons with disabilities quota and declared the reassessments invalid.</p>		
17	2024, Rajasthan High Court, Division Bench	RPwD Act, 2016: Section 3(1), 4, 19, 21, 32, 34, 2(r), 2(s)	<p>State of Raj and Others vs Sunita and Others DB Spl. Appl. Writ No. 572 of 2023, DB Spl. Appl. Writ No. 381 of 2020, DB Spl. Appl. Writ No. 66, 241, 375, 378, 380, 445, 456, 457, 500 and 502 of 2021, DB Spl. Appl. Writ No. 8, 20, 29, 32, 46, 81, 144, 145 and 146 of 2022, DB Spl. Appl. Writ No. 109 and 673 of 2024</p> <p>The petitioners, persons with benchmark disabilities in one leg (OL), were excluded from selection to Nurse Grade II and Women Health Worker posts in Rajasthan despite valid disability certificates. The exclusion was based on the presence of minor additional impairments in another limb or body part.</p> <p>The HC held that such exclusions were arbitrary and in violation of the RPwD Act, 2016. Once a person is certified with a benchmark disability falling within the notified category, they are entitled to consideration under the disability quota. Additional minor impairments cannot be a ground for exclusion unless they render the person</p>	<ul style="list-style-type: none"> • Right of employment • Right to non-discrimination 	<p>One Leg Disability, Disability Certificate, Reservation, Non-Discrimination, Employment</p>

			<p>functionally unfit for the role, which must be determined objectively and uniformly.</p> <p>The HC directed the State to revise the merit list to include eligible OL candidates and reaffirmed the right to non-discrimination and equal opportunity in public employment.</p>		
18	2024, High Court of Madras, Single-Judge Bench	RPwD Act, 2016: Section 2(s), 3(1), 9(2), 25, 38	<p>Gurunatha vs Deputy Director, Directorate of Public Health and Preventive Medicine and Others W.P.(MD) No. 10956 of 2024</p> <p>The petitioner, a daily wage earner, sought a writ of mandamus directing the State to admit his 20-year-old son—who was living with a mental illness marked by violent behavior—into a government facility, as the family was unable to manage his care.</p> <p>The HC held that under the RPwD Act, 2016 and the MH Act, 2017, the State has a legal obligation to ensure support, treatment, and accommodation for persons with mental disabilities, particularly when families are unable to do so. It emphasised the State’s duty under Article 21 and the principle of parens patriae to safeguard the rights and dignity of vulnerable persons.</p> <p>The HC directed the State to immediately take custody of the petitioner’s son and provide him with appropriate long-term medical care and accommodation..</p>	<ul style="list-style-type: none"> • Right to Healthcare 	Mental Illness, Institutional Care, Right to Health, Parens Patriae, Caregiver Support
19	2023, Kerala High Court,	RPwD Act, 2016: Section	Clint Johnson, represented by His Guardian and Mother Mary vs State of Kerala, represented by Secretary,	<ul style="list-style-type: none"> • Right to Equality 	Tax Exemption,

	Single-Judge Bench	2(s), 2(z)	<p>Transport (B)Department Secretariat and Another WP(C) No. 31061 of 2013</p> <p>The petitioner, a person with moderate intellectual disability, challenged a Kerala government notification that excluded persons with intellectual disabilities from motor vehicle tax exemption. The notification extended the benefit only to persons who had visual or hearing impairment or physical disabilities.</p> <p>The HC held that the exclusion of persons with intellectual disabilities was arbitrary and violated Article 14 of the Constitution. It affirmed that Indian law and international conventions recognise mental retardation as a form of disability, and such persons are entitled to equal protection and benefits.</p> <p>The HC directed the State to extend tax exemption to the petitioner and refund the amount already paid, setting a precedent for equal treatment of persons with intellectual disabilities in access to statutory benefits.</p>		<p>Intellectual Disability, Discrimination, Equality, Entitlements</p>
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