

ITEM NO.63

COURT NO.5

SECTION PIL-

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 206/2025

MISSION ACCESSIBILITY

Petitioner(s)

VERSUS

UNION OF INDIA & ANR.

Respondent(s)

(IA No. 90541/2025 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 54815/2025 - CONDONATION OF DELAY IN FILING THE SPARE COPIES AND IA No. 62434/2025 - EX-PARTE AD-INTERIM RELIEF

Date : 09-05-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VIKRAM NATH
HON'BLE MR. JUSTICE SANDEEP MEHTA

For Petitioner(s) :Mr. Rahul Bajaj, Adv.
Ms. Sanchita Ain, AOR
Mr. Amar Jain, Adv.
Mr. Taha Bin Tasneem, Adv.
Ms. Anchal Bhateja, Adv.

For Respondent(s) :Mrs. Archana Pathak Dave, A.S.G.
Mr. Udit Dedhiya, Adv.
Mr. Sudhakar Kulwant, Adv.
Mr. Yashraj Bundela, Adv.
Mr. Amit Sharma B, Adv.
Dr. N. Visakamurthy, AOR

Mr. Hrishikesh Baruah, AOR
Mr. Utkarsh Dwivedi, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. The instant writ petition under Article 32 of the Constitution of India has been preferred by the petitioner being an organisation working for enforcing the rights of persons

with disabilities (for short 'PwD') and to ensure equal opportunity to such persons under the Constitution of India and the Rights of Persons with Disabilities Act, 2016 (for short 'RPwD Act').

2. The basic issues which are raised in this writ petition pertain to the lack of proper opportunity to persons with blindness/low vision in the forthcoming Civil Services Examination, 2025 being conducted by respondent No. 2 – Union Public Service Commission (for short the 'Commission').

3. On the previous date of hearing, Shri Rahul Bajaj, learned counsel appearing for the petitioner had urged that in accordance with the guidelines issued by the Department of Personnel & Training (DoPT), the Commission was under an obligation to provide the facility of screen readers to the candidates with the aforesaid disabilities. He further urged that the procedure adopted by the Commission for providing a scribe to the candidates with PwBD/PwD is also flawed and anomalous.

4. To address this situation, we had requested Shri Hrishikesh Baruah, learned counsel appearing for the

Commission and Ms. Archana Pathak Dave, learned ASG appearing for the Union of India to give their responses to the apprehensions and concerns of the petitioner.

5. Today, Shri Baruah has filed an affidavit of the authorised officer of the Commission wherein it is stated that the Commission has till now received approximately 27 requests from PwBD/PwD candidates for change of their scribe details. The Commission has assured that it will examine each and every such request on merit and revert to the candidates. A press note with the above details has been uploaded by the Commission on its website after due approval emphasising that the Commission will consider each request for change of scribe received from PwBD/PwD candidates till 18th May, 2025 (4:00 PM) on merit basis. A copy of the press note has been annexed with the affidavit. However, the affidavit is silent regarding the issue of providing the screen reader facility to the candidates.

6. Ms. Dave, learned ASG appearing on behalf of Union of India submitted that under the general instructions for preliminary and main examinations contained in the Civil Services Examinations Rules, 2025 (for short 'CSE Rules,

2025'), certain categories of PwD candidates has been given permission to avail the facility of scribe. The candidates have the discretion of opting their own scribe or request the Commission for the same. The details of the scribe in case the candidates are bringing their own scribe or availing the same through the Commission, will be sought at the time of filling up of the online application form.

7. Regarding the issue of use of laptops with screen readers for visually impaired candidates, Ms. Dave has submitted that the same could be examined and a suitable decision can be taken by the Commission in consultation with the Department for PwD in light of the extant instructions issued by the Government of India on the subject. Any decision taken in the matter would not require an amendment to the CSE Rules, 2025.

8. Shri Bajaj has raised certain concerns about the criterion for the change of scribe as set out in the affidavit on behalf of the Commission which are enumerated hereinbelow:-

“Prescription of a timeline within which such requests must be disposed of. It is submitted that candidates will need to make suitable arrangements based on whether their request is allowed or disallowed For instance, if the Commission disallows a

candidate's request for change of own scribe, the said candidate will have to take steps to request the Commission for a scribe or try and persuade the previously opted for scribe to remain available on the exam date. Therefore, clarity and finality on this front is important. This Hon'ble Court may be pleased to direct that all such requests will be disposed of within a period of 3 working days.

No clarity is given on the grounds on which such requests will be allowed or disallowed, thereby leaving the candidates in the dark. It is therefore prayed that requests for change of scribe should be allowed: [i] due to personal unavailability of the scribe; [ii] due to medical emergencies; or [iii] if the candidate wishes to opt for own scribe rather than the Commission's scribe. In no other circumstance should such requests be allowed.

Required documentary evidence: as of now, the public notice is silent on the supporting document that needs to be submitted along with the request for change of scribe. It would be helpful if the said requirement is clearly spelt out, to avoid needless back and forth. E.g. any evidence of the scribe's medical unfitness, when that is the ground on which change is being sought, could be asked for along with a detailing documents required for the induction of the new scribe.”

9. In response, Shri Baruah, learned counsel appearing for the Commission submitted that the date, i.e., 18th May, 2025 as provided in the press note is the last date for submission of the applications for request of change of own scribe. He assured that such requests, if received within the stipulated time, would be disposed of within a period of three working days.

10. Regarding the issue of screen readers, Shri Baruah submitted that the portrayal made by the writ petitioners that only two candidates in the blind/low vision category are

aspiring to give the examination by screen reader, is not acceptable to the Commission because in case a decision is taken accepting the proposal for providing screen reader facility to PwBD/PwD candidates, such option would have to be given to all eligible candidates and for the present, the Commission does not have the necessary logistical facilities for the forthcoming preliminary examination which is scheduled for 25th May, 2025. However, he has prayed for a short opportunity to file a specific affidavit on this aspect.

11. In view of the submissions noted above, we hereby provide that all the requests for change of scribe submitted by the concerned candidates who are entitled for a scribe in terms of the CSE Rules, 2025 shall be entertained till 18th May, 2025. The Commission shall immediately, upon receipt of such application, consider the same objectively and communicate the decision thereof by a reasoned order to the candidate/s concerned within a period of three working days from the date of receipt of the application/s.

12. The learned counsel for the Commission shall file a specific affidavit addressing the issue of the use of computers

with screen readers by PwBD/PwD candidates in the forthcoming preliminary examination.

13. List the matter on 16th May, 2025.

(NEETU KHAJURIA)
ASTT. REGISTRAR-CUM-PS

(RANJANA SHAILEY)
ASSISTANT REGISTRAR