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## Case Comment: Accessibility as a Constitutional Mandate: Analysing the Supreme Court's Verdict in *Rajive Raturi v Union of India*

Kattyayani Tripathi<sup>a</sup>

<sup>a</sup>MVD Law College, Lucknow, India

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### INTRODUCTION

This significant ruling demonstrates that the Indian Constitution will not tolerate any differences among its citizens. Access to public services and opportunities is essential for meaningful citizenship and moral quality.<sup>1</sup> In the case of *Rajive Raturi v Union of India*, the Supreme Court of India corroborated the right to availability for individuals with disabilities as an essential aspect of abecedarian rights under the Constitution. In an indigenous republic like ours, denying a citizen access due to their disability undermines the pledge of equality, which must be realised not just in principle but also in practice. This case strengthens the legal framework governing disability rights in India. The true measure of a country's republic lies not in the freedoms of the important or privileged but in the quality of the marginalised. In this case, the suppliant queried Rule 6A of the Madhya Pradesh judicial service

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<sup>1</sup> *State of Kerala & Anr v N. M. Thomas & Ors* (1976) 2 SCC 310

reclamation, arguing that the impunity of visually bloodied individuals from the judicial service violates Articles 14<sup>2</sup>, 15<sup>3</sup>, 16<sup>4</sup>, and 21<sup>5</sup>

The Indian Constitution, therefore, infringes upon the fundamental guarantees of equality and quality for impaired citizens. By declaring Rule 15 ultra vires and instructing the central government to establish obligatory and enforceable availability norms, the Court aligned domestic law with the UN Convention on the Rights of Persons with Disabilities (CRPD) and elevated the right to availability to a justiciable and enforceable right. The court emphasised that availability is not simply a policy option, but an inherent necessity. This ruling clarifies to state governments that the right to availability for persons with disabilities is an essential element of abecedarian rights under the Constitution, thereby expanding the scope of disability rights in India.

## FACTS OF THE CASE

This matter, *In Re Reclamation of Visually Bloodied in Judicial Services*, began with a *Suo Motu* solicitation initiated by the Supreme Court. The provocation for this solicitation was a letter dated January 15, 2024, addressed to the Chief Justice of India from the mother of a visually impaired seeker seeking a judicial position.

The primary concern arose from the rejection of visually bloodied individuals in the reclamation process for the Madhya Pradesh Judicial Service. Specifically, the letter challenged Rule 6A of the Madhya Pradesh Judicial Services Rules, 1994<sup>6</sup>, as amended on June 23, 2023, which explicitly barred visually impaired and low-vision candidates from being appointed to the judicial service. The suppliant maintained that this rule infringed upon Articles 14<sup>7</sup>, 15<sup>8</sup>, 16<sup>9</sup>, and 21<sup>10,11</sup>. This correction had effectively abandoned a reservation preliminarily allocated to visually impaired and low-vision individuals within the state. The Madhya Pradesh High Court justified Rule 6A by citing a medical opinion from the Dean of

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<sup>2</sup> Constitution of India 1950, art 14

<sup>3</sup> Constitution of India 1950, art 15

<sup>4</sup> Constitution of India 1950, art 16

<sup>5</sup> Constitution of India 1950, art 21

<sup>6</sup> Madhya Pradesh Judicial Service Rules 1994, r 6A

<sup>7</sup> Constitution of India 1950, art 14

<sup>8</sup> Constitution of India 1950, art 15

<sup>9</sup> Constitution of India 1950, art 16

<sup>10</sup> Constitution of India 1950, art 21

<sup>11</sup> *Vikash Kumar v Union Public Service Commission* (2021) 5 SCC 370

Netaji Subhash Chandra Bose Medical College & Hospital, Jabalpur, which concluded that individuals with certain disabilities, including blindness or low vision, were unfit to fulfil the liabilities of a judge. They claimed that the High Court's decision was in line with the impunity granted by the State Government under Section 34 of the Rights of Persons with Disabilities Act, 2016 (RPwD Act, 2016)<sup>12</sup>. The case also combined several related desires and prayers addressing diverse issues regarding judicial service reform for individuals with disabilities in various countries.

Suo Motu Writ Petition (C) No. 6/2024.<sup>13</sup> This solicitation resulted from a letter from a visually disabled law student in Rajasthan. He raised concerns about the absence of transparency, fairness, and equal opportunities for PwD candidates in judicial service examinations in Rajasthan. Specifically, he stressed that although the Rajasthan Public Service Commission indicated reserved positions for PwD, the High Court of Rajasthan did not manifest similar reservations in the final results or give separate cut-offs for PwD candidates, unlike other vertical reservations for women, widows, and divorcees.

Appeal arising from SLP(C) No. 12179/22024 (Ayush Yardi).<sup>14</sup> This appeal queried the correction to Rule 7 of the Madhya Pradesh Judicial Service (Reclamation and Conditions of Service) Rules, 199 (Reclamation announcement). Rule 7<sup>15</sup> Set forth eligibility criteria that included an obligatory three times of practice at the bar or passing all law examinations in the first attempt with a minimal aggregate score of 70 (with concessions for SC and ST orders). Ayush Yardi, who has Thalassemia and a 40% disability, achieved a total of 67 and had to take a supplementary test in his first semester due to his disability, performing below his disqualification. He argued that this regulation was arbitrary and discriminatory, as it did not allow for any relaxation for PwD campaigners.

Appeal arising from SLP(C) No 7683/2024 (Alok Singh).<sup>16</sup> This appeal challenged the non-selection of Alok Singh, who has 40 years of experience with low vision, and is applying for the position of Civil Judge, Junior Division (Entry Level), in the 2021 examination. Despite attaining higher aggregate marks in the written test than two named campaigners in the

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<sup>12</sup> Rights of Persons with Disabilities Act 2016, s 34

<sup>13</sup> *Rajive Raturi v Union of India* (2024) INSC 858

<sup>14</sup> *Ayush Yardi v State of Madhya Pradesh* (2025) SLP(C) No 12179/2024

<sup>15</sup> Madhya Pradesh Judicial Service (Reclamation and Conditions of Service) Rules 1994, r 7

<sup>16</sup> *Alok Singh v State of Madhya Pradesh* (2025) SLP (C) No 7683/2024

physically challenged category, he was not chosen because he scored only 18.1 marks out of 50 in the interview, below the minimum qualifying mark of 20. He asserted that the necessary relaxations commanded by the RPwD Act, 2016, were not applied, with performing in vacant posts being carried over rather than his appointment.

W.P.(C) Nos. 484 and 494 of 2024 (Manvendra Singh Rathore and Alisha Khan).<sup>17</sup> These desires were submitted by campaigners in the Rajasthan Judicial Service Examination, 2024. They claimed that the High Court of Rajasthan did not establish any specific cut-off for PwD campaigners at the primary examination stage, though cut-offs were specified for other vertical reservation orders, similar to women, separated campaigners, and widows.

The absence of this provision, they argued, redounded in PwD campaigners having to contend against nondisabled individuals in their separate orders under unstable conditions, which led to a significant number of good PwD campaigners being barred and unfilled, reticent positions. These cases inclusively attack the eligibility, felicitousness, and indifferent treatment of individuals with disabilities in the reclamation process for judicial services, pressing enterprises regarding both direct and indirect demarcation, reasonable lodgement, and the enforcement of reservation programs.

## LEGAL ISSUES RAISED

1. Can individuals with visual impairments be considered unsuitable for judicial positions, and is their explicit exclusion (as stated in Rule 6A of the Madhya Pradesh Judicial Services Rules, 1994) Constitutional?
2. Do seemingly neutral eligibility requirements, such as having three years of legal experience or achieving a high overall score on the first attempt (Rule 7 of the Madhya Pradesh Judicial Service Rules, 1994), infringe upon the equality principle and the concept of reasonable accommodation for candidates with disabilities?
3. Are authorities obligated to adjust suitability criteria (like minimum interview scores) and create separate cut-off scores and merit lists for candidates with disabilities, particularly when there are unfilled reserved positions?

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<sup>17</sup> *Manvendra Singh Rathore Ors v High Court of Rajasthan & Ors* (2025) WP(C) No 484/2024; *Alisha Khan v High Court of Rajasthan & Ors* (2025) WP(C) No 494/2024

## ARGUMENTS OF THE PARTIES

### Petitioner's Side –

The pleaders in this case, encompassing visually bloodied judicial applicants and a PwD seeker with thalassemia, raised several critical legal arguments challenging the reclamation practices of the petitioner's Pradesh and Rajasthan judicial services. Unconstitutional Rejection of Visually disabled campaigners (Madhya Pradesh) The original letter petitioner, the mama of a visually disabled applicant, challenged the applicants and the Madhya Pradesh Judicial Services Rules, 1994, which explicitly barred visually impaired and low-vision campaigners from judicial movables. She argued this rule was arbitrary, discriminatory, unjust, and violated Articles 14<sup>18</sup>, 15<sup>19</sup>, 16<sup>20</sup> and 21<sup>21</sup>.

The intervenor, Dr Sanjay Jain, an eyeless law professor, explosively supported this, contending that Rule 6A was grounded on an outdated medical model of disability, ignoring the principle of reasonable accommodation and immortalising stereotypical hypotheticals about the capabilities of visually impaired individuals. He emphasised that the State's responsibility under the Rights of Persons with Disabilities Act, 2016 (RPwD Act, 2016)<sup>22</sup>, and transnational conventions like the UNCRPD are to give an enabling terrain and suitable lodgement, rather than rejection. He cited exemplifications of successful eyeless judges, encyclopaedically circular Demarcation by Eligibility Criteria (Madhya Pradesh). Ayush Yardi, a PwD seeker with Thalassemia, challenged the contingency to Rule 7 of the Madhya Pradesh Judicial Service Rules, 1994<sup>23</sup>.

This rule needed campaigners to have either three years of legal practice or an aggregate score of at least 70 (50 for SC, ST) in law examinations on the first attempt. Yardi argued that this rule, despite appearing neutral, constituted circular demarcation against PwD campaigners. He contended that the invariant operation of such a high-score demand or the three-time practice period was arbitrary and illogical because PwD campaigners frequently face significant physical and infrastructural walls in legal practice and may have varied

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<sup>18</sup> Constitution of India 1950, art 14

<sup>19</sup> Constitution of India 1950, art 15

<sup>20</sup> Constitution of India 1950, art 16

<sup>21</sup> Constitution of India 1950, art 21

<sup>22</sup> Rights of Persons with Disabilities Act 2016

<sup>23</sup> Madhya Pradesh Judicial Service (Recruitment and Conditions of Service) Rules 1994, r 7

academic peregrinations due to their disabilities. He argued that treating unequal (PwD and suitable-bodied) individuals inversely violated Section 14 and the principle of reasonable accommodation. Non-Relaxation of felicity norms and Lack of Separate cut-offs for PwD (Madhya Pradesh & Rajasthan) Alok Singh, a low-vision PwD, challenged his non-selection, arguing that despite vacant PwD posts and scoring advanced aggregate marks higher than some named campaigners, he was denied appointment for hardly missing the minimal interview cut-off.

He asserted that the authorities failed to apply the commanded relaxations under the RPwD Act, 2016<sup>24</sup>, and a Central Government Office Memorandum, which permits relaxation of facility norms when sufficient PwD campaigners are unapproachable. He also questioned the duty of minimal qualifying marks for viva voce in entry-position selections generally. Pleaders from Rajasthan challenged the High Court's practice of not publishing separate cut-off marks or merit lists for PwD candidates at any stage of the judicial service examinations.

They argued that this practice, by forcing PwD campaigners to meet the cut-offs of their broader perpendicular orders (e.g., General, SC, ST), defeated the purpose of vertical reservation for PwD, demanded translucency, and resulted in PwD campaigners contending on unstable terms, therefore violating their indigenous and statutory rights. They sought directions for the publication of separate results and cut-offs for the PwD order.

### **Defendant's Side –**

The defendants, primarily the High Courts of Madhya Pradesh and Rajasthan, presented several arguments to defend their recruitment rules and practices concerning persons with disabilities (PwD) in judicial services:

**Madhya Pradesh High Court's Arguments:** Suitability and Exemption for Visually Impaired (Rule 6A)<sup>25</sup>, the Madhya Pradesh High Court (MPHC) argued that Rule 6A, which excluded visually impaired and low-vision candidates, was based on an opinion from the Dean of Netaji Subhash Chandra Bose Medical College & Hospital. This medical expert opined that an individual with certain disabilities, including blindness or low vision, could not perform the duties of a judge due to requirements like going through pleadings, reading documents,

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<sup>24</sup> Rights of Persons with Disabilities Act 2016

<sup>25</sup> Madhya Pradesh Judicial Service (Recruitment and Conditions of Service) Rules 1994, r 6A

recording evidence, assessing witness demeanour, and handling administrative responsibilities. The MPHC asserted that its actions were under an exemption granted by the State Government under Section 34 of the RPwD Act<sup>26</sup>, based on the type of work carried out in the judicial service. They claimed full compliance with Section 34 and argued that the letter petition challenging Rule 6A was not maintainable without challenging the *vires* of the rules. They also suggested that low-vision candidates might be considered if their condition was unlikely to lead to blindness within 25-30 years of tenure.

**Validity of Eligibility Criteria (Rule 7):**<sup>27</sup>. Regarding Rule 7, which mandated three years of legal practice or a 70% aggregate score on the first attempt in law examinations, the MPHC highlighted that similar Special Leave Petitions challenging this rule had already been dismissed by the Supreme Court. They stated that the appellant (Ayush Yardi) had participated in the selection process under an interim order and failed to meet the minimum benchmark for the SC/ST category (45% in each paper) in the main examination, thus not being called for the interview. They argued that allowing him to participate without meeting this benchmark would prejudice other, especially abled candidates and create anomalies for future selections.

**Non-Relaxation of Interview Marks (Alok Singh's case):** The MPHC defended its decision not to select Alok Singh, a low-vision PwD, despite vacant posts, because he failed to secure the minimum 40% marks in the interview (20 out of 50) as required by the selection criteria. They argued that the appellant was aware of the criteria and could not challenge it after being unsuccessful. They contended that the DoT Office Memorandum regarding relaxation of standards applied only to Central Government posts, not the state judicial service. They further stated that other PwD candidates (including one with low vision) who *did* secure the minimum interview marks were duly selected, implying no discrimination. They also emphasised that the Supreme Court's guidelines (dated 07.11.2024) did not mandate a separate benchmark or minimum cut-off for PwD candidates at the interview stage.

**Rajasthan High Court's Arguments:** Horizontal Reservation and No Separate Cut-offs: The Rajasthan High Court (RHC) submitted that reservation for PwD candidates was provided under Rule 10 of the Rajasthan Judicial Service Rules, 2010, by state rules, which had recently

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<sup>26</sup> Rights of Persons with Disabilities Act 2016, s 34

<sup>27</sup> Madhya Pradesh Judicial Service (Recruitment and Conditions of Service) Rules 1994, r 7

been amended to provide age relaxation and a 5%-mark concession for PwD candidates. The RHC justified not publishing separate cut-off marks for PwD candidates by asserting that PwD candidates had to secure the minimum cut-off marks fixed for the broader category (General, SC/ST, etc.) under which they applied. They cited a Supreme Court judgment (dated 21.08.2024 in C.A. Nos. 5051/2023 and 5052/2023) that, in their view, upheld that non-fixation of separate cut-offs for PwD was neither arbitrary nor violative of fundamental rights.<sup>28</sup>

## JUDGMENT

The Supreme Court delivered a vital judgment affirming the rights of persons with disabilities (PwD) in judicial services, unequivocally holding that visually impaired individuals are eligible to share in selections for judicial posts and are not suitable for similar service. The Court struck down Rule 6A of the Madhya Pradesh Judicial Service Rules 1994, which explicitly barred visually impaired and low-vision campaigners, thinking it unconstitutional as it violated principles of equal opportunity, reasonable accommodation, and the Constitution. Likewise, the contingency to Rule 7 of the Madhya Pradesh Rules, taking either three times of legal practice or a 70-aggregate score on the first attempt in law examinations, was also struck down as it applied to PwD campaigners, labelling it as a case of circular demarcation where a facially neutral rule disproportionately burdened PwD individuals due to their unique challenges.<sup>29</sup>

The judgment commanded that relaxation of felicity norms for PwD campaigners is admissible, especially when acceptable campaigners are unapproachable, citing rules and sanctioned memorandums. Crucially, the Court directed that a separate cut-off must be maintained and selection conducted consequently for visually-impaired campaigners (and by extension, all PwD campaigners) at every stage of the examination to ensure translucency and help unstable competition.

It also clarified that no distinction can be made between Persons with Disabilities (PwD) and Persons with Benchmark Disabilities (PwD) for rights and entitlements, particularly in employment. The Court emphasised a rights-grounded approach, moving down from a

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<sup>28</sup> *Indra Sawhney v Union of India & Ors* AIR 1993 SC 477

<sup>29</sup> *Navej Singh Johar v Union of India* (2018) 10 SCC 1



medical model of disability to a social model, thereby emphasising the State's responsibility to give an inclusive frame and affirmative action. The judgment directs the separate authorities to apply these rulings and complete the selection processes expeditiously (194(v)).

## RATIONALE

The Supreme Court's judgment is unnaturally embedded in the indigenous principles of inclusivity, equality, and quality, particularly as elevated in Articles 14<sup>30</sup>, 15<sup>31</sup>, 16<sup>32</sup>, and 21<sup>33</sup>. The Court held that the right against disability-grounded demarcation must now be viewed with the same elevation as an abecedarian right, reflecting the significant shift brought by the Rights of Persons with Disabilities (RPwD) Act 2016<sup>34</sup>, which it nominated a super enactment with quasi-constitutional significance.

A core explanation behind the judgment is the relinquishment of a rights-grounded approach and the social model of disability, moving away from an outdated medical model that concentrated on impairment as a hedge.<sup>35</sup> This means that a person's eligibility for judicial service is not to be assessed solely through clinical means, but after furnishing reasonable accommodation and an enabling terrain. The Court underlined that reasonable accommodation is not an optional measure but an essential right integral to achieving substantial equivalency. This principle, in transnational conventions like the UNCRPD (to which India is a signatory)<sup>36</sup>, authorises that lodgement be handed as a prerequisite to assessing eligibility, and its denial constitutes demarcation.

The Court's decision to strike down exclusionary rules, like Madhya Pradesh's Rule 6A, was grounded on the premise that they immortalise outdated hypotheticals and directly distinguish against visually disabled campaigners, thinking them not suitable without due consideration for accommodation. The striking down of the contingency to Rule 7 (taking three times' practice or a high score on the first attempt) stemmed from the principle of circular demarcation. The Court acknowledged that indeed facially neutral rules can

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<sup>30</sup> Constitution of India 1950, art 14

<sup>31</sup> Constitution of India 1950, art 15

<sup>32</sup> Constitution of India 1950, art 16

<sup>33</sup> Constitution of India 1950, art 21

<sup>34</sup> Rights of Persons with Disabilities Act 2016

<sup>35</sup> Michael Oliver, *The Politics of Disablement* (Palgrave Macmillan 1990)

<sup>36</sup> General Comment No. 6 on equality and non-discrimination 2018

disproportionately burden and disadvantage PwD, treating unequal inversely and therefore violating the equivalency doctrine.

Likewise, the judgment's explanation for calling separate cut-off marks and permitting relaxation of norms for PwD is to ensure that vertical reservation is effective and transparent. It emphasises that PwD constitute a distinct class taking specific consideration and that forcing them to contend on unstable terms with suitably bodied campaigners within general orders defeats the purpose of reservation. The Court also stressed that similar relaxations do not compromise effectiveness and are fairly admissible, citing precedents and superintendents' orders. The judgment is also forcefully corroborated by multitudinous exemplifications of largely accomplished visually disabled legal professionals and judges, demonstrating that visual impairment is not a bar to excellence in the legal profession.

## CRITICAL ANALYSIS OF THE CASE

The Supreme Court's judgment represents a significant stride towards substantial equivalency for persons with disabilities (PwD) in India's judicial services, shifting from a medical to a social model of disability. The core explanation is embedded in indigenous principles of inclusivity, equivalency, and quality, especially Articles 14, 15, 16, and 21<sup>37</sup>, interpreting the Rights of Persons with Disabilities (RPwD) Act 2016<sup>38</sup>, as a super enactment with quasi-constitutional significance. This progressive interpretation authorises that visually bloodied individuals are unequivocally eligible for judicial service, striking down exclusionary rules like Madhya Pradesh's Rule 6A as unconstitutional.

Still, a critical analysis reveals underlying systemic challenges. The veritable necessity for the Court to declare visually disabled campaigners' suitable highlights the continuity of an ableist mindset within institutions, where felicity is originally assessed on a clinical, rather than accommodation-inclusive, basis. The Madhya Pradesh High Court's reliance on a medical dean's opinion to justify rejection epitomises this outdated, dubitation-ridden, medical-moxie-driven model. This underscores that societal and institutional walls, rather than essential impairment, are the primary drivers of demarcation.

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<sup>37</sup> Constitution of India, 1950, arts 14, 15, 16 & 21

<sup>38</sup> Rights of Persons with Disabilities Act 2016

Likewise, while the judgment competently applies the principle of circular demarcation to strike down the contingency to Rule 7<sup>39</sup>, admitting that facially neutral rules disproportionately burden PwD, practical perpetuation remains a chain. The Court notes the physical situations of exertion needed by an advocate in non-disabled-friendly court surroundings, suggesting that treating unequals inversely continues to be a pervasive issue.

The accreditation for separate cut-offs and admissible relaxation of norms for PwD. It is a vital affirmative action, yet the Court's repeated directives and the need for High Courts to align their rules indicate literal executive indolence and shy compliance with the spirit of the RPwD Act. The addition of numerous inspiring examples is important, but their very necessity points to the fact that these individuals have frequently succeeded despite the system, not always because of its visionary support. Eventually, while the judgment is transformative, it also lays bare the ongoing struggle to strike deeply settled discriminatory structures and ensure genuine, rather than commemorative, addition for PwD.<sup>40</sup>

## CONCLUSION

The Supreme Court's judgment unequivocally concludes that visually bloodied individuals are eligible for judicial service and cannot be considered unsuitable for similar posts. This vital decision is embedded in a rights-grounded approach, elevating the right against disability-grounded demarcation to the elevation of an abecedarian right under the Rights of Persons with Disabilities (RPwD) Act, 2016, which the Court nominated a super enactment with quasi-constitutional significance. Accordingly, Rule 6A of the Madhya Pradesh Judicial Service Rules, 1994, which explicitly barred visually impaired and low-vision campaigners, was struck down as unconstitutional, as it violated principles of equal opportunity and reasonable accommodation.

Crucially, the Court commanded that reasonable accommodation is a prerequisite to assessing eligibility, not an optional measure, and its denial constitutes demarcation. Likewise, the contingency to Rule 7 of the Madhya Pradesh Rules, taking either three times of legal practice or a 70-aggregate score on the first attempt, was also struck down for PwD campaigners (67(iii), 189(iii), 190(iii), 192(ii)). This was linked as circular demarcation, where

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<sup>39</sup> Madhya Pradesh Judicial Service (Recruitment and Conditions of Service) Rules 1994, r 7

<sup>40</sup> Gautam Bhatia, *The Transformative Constitution* (HarperCollins India 2019)

a facially neutral rule disproportionately burdened PwD individuals by treating them unequally. To ensure substantial equivalency, the judgment directed that relaxation of felicity norms is admissible, especially when acceptable PwD campaigners are unapproachable, citing rules and sanctioned memorandums 140, 165, 168, 189(iv), and 190 (also, a separate cut-off must be maintained and selection conducted consequently for bloodied campaigners (and by extension, all PwD campaigners) at every stage of the examination, to ensure translucency and help unstable competition.

The Court also clarified that no distinction can be made between Persons with Disabilities and Persons with Benchmark Disabilities for rights and entitlements in employment. These directives aim to foster an inclusive frame and ensure that judicial rulings reflect principles of fairness and justice, with authorities directed to apply these rulings expeditiously.