

News

The Supreme Court ruled that the RPwD Act prohibits states from arbitrarily setting an upper disability ceiling for reservations in public employment.

According to the Court, the Act requires a minimum disability of 40% in order to be considered a "person with benchmark disability," and the State is not permitted to set an upper limit that would disqualify applicants with more severe disabilities who would otherwise be able to carry out the responsibilities of the position.

According to the Supreme Court, the Rights of Persons with Disabilities Act of 2016's framework is violated when an upper ceiling of disability is prescribed for appointment under the reserved category of people with benchmark disabilities.

The Court explained that although the Act establishes a minimum disability threshold for eligibility, it does not provide the State the authority to reject applicants with more severe disabilities if they are otherwise competent to carry out the duties of the position.

The Himachal Pradesh High Court's decision to deny appointment to a candidate chosen for the position of Assistant District Attorney on the grounds that his disability exceeded the maximum limit specified in the recruitment advertisement was being challenged in a civil appeal.

"The legislature intended to create a threshold of inclusion, specifically designating 40% as the minimum requirement to qualify for 'benchmark disability' status,....none of these provisions indicates that an upper limit can be prescribed in the matter of adjudicating the suitability of a candidate for a particular post," noted a bench of Justices Vikram Nath and Sandeep Mehta when interpreting the provisions of the Rights of Persons with Disabilities Act, 2016.

The Bench further stated that although the RPwD Act 2016 establishes the "floor" for reservation eligibility, it does not give the State the authority to establish an arbitrary "ceiling" that excludes those with higher degrees of disability, provided they are otherwise capable of

performing the functional requirements of the role through reasonable accommodation."

Advocate Arman Roop Sharma represented the respondents, while Senior Advocate P.V. Dinesh represented the appellant.

Context

The Himachal Pradesh Public Service Commission's hiring procedure for the position of Assistant District Attorney, in which some positions were set aside for people with disabilities, gave rise to the conflict. Candidates applying under the disabled category must have at least 40% and no more than 60% disability in one arm or one leg, according to the recruiting advertising.

Applying under the reserved category was the appellant, a practicing advocate with a 90% permanent locomotor handicap as a result of left shoulder disarticulation. He was allowed to take the written exam after his application was reviewed, and he passed. After that, he was recommended for an appointment under the physically challenged quota after appearing before the interview board.

Nevertheless, the appellant's name was left out of the State Government's final appointment notification. After requesting information, the appellant was told that the recommendation had been denied because his impairment was more than the advertisement's highest level of 60%.

The appellant went to the High Court because they were upset over not being appointed even though they had made it through the selection procedure. The current appeal before the Supreme Court resulted from the High Court's dismissal of the writ petition.

The Court's Observation

The definition of "person with benchmark disability" under Section 2(r) and the rules pertaining to reservations in public employment were among the statutory framework of the Rights of Persons with Disabilities Act, 2016 that the Supreme Court reviewed.

According to the Court, people with impairments who have a handicap of at least 40% are entitled for benchmark disability status under the legislation. The Bench interpreted the statutory system and concluded that, rather than authorizing exclusion through an upper

disability limit, the legislative objective was to set a minimum criterion for inclusion.

The Court emphasized that while the Act establishes the floor of eligibility, it does not give the State the authority to set a ceiling that would bar applicants with more severe disabilities who might otherwise fulfill the responsibilities of the position with reasonable accommodations.

The Bench further noted that the High Court had justified the establishment of a disability ceiling by citing the ruling in *V. Surendra Mohan v. State of Tamil Nadu* (2019). The Court did point out that a three-judge panel later overturned the aforementioned ruling in *Vikash Kumar v. UPSC* (2021), emphasizing the RPwD Act's reasonable accommodation criterion.

The Court reaffirmed, citing *Vikash Kumar v. UPSC* (2021), that disability jurisprudence under the 2016 Act necessitates an evaluation based on functional ability and reasonable accommodation rather than stereotyped assumptions regarding competence.

The Court further emphasized that the percentage of handicap alone cannot be used to define professional competence. The appellant demonstrated his functional competence to carry out the responsibilities of the position by completing the selection procedure and practicing law for a number of years.

"A candidate's aptitude or appropriateness for public work cannot be determined only by their percentage of handicap. The Court noted that the RPwD Act, 2016's statutory framework imposes an affirmative obligation on the State to guarantee equal opportunity and to make reasonable accommodations.

The Court also cited previous rulings, such as *Om Rathod v. Director General of Health Sciences* (2024), *Anmol v. Union of India* (2025), and *Kabir Pahariya v. National Medical Commission* (2025), which emphasized that the eligibility of individuals with disabilities must be determined through individualized and evidence-based evaluation rather than strict disability percentages.

The Bench also noted that "the respondent authorities and the High Court have adopted an approach that is manifestly arbitrary and inconsistent with the guarantees of Articles 14 and 16 of the Constitution of India by failing to assess the appellant's claim in light of the doctrine of reasonable accommodation."

The Court also questioned whether the respondents could have rejected the appellant's

application based only on the severity of his disability if he had applied under the general category, passed the written exam and the interview, and been placed on the merit list.

The Bench found that "the principle that professional capability must be assessed on actual functional competence rather than a mere percentage of disability" and stated that the answer to the aforementioned question would obviously be negative.

In conclusion

The Supreme Court ruled that the 60% maximum disability restriction for appointments under the restricted category was arbitrary and in violation of the 2016 Rights of Persons with Disabilities Act.

As a result, the Court overturned the Himachal Pradesh High Court's ruling and ordered the State Government to give the appellant an appointment letter for the position of Assistant District Attorney within two weeks.

The Court further ordered that the appellant be entitled to all notional benefits starting on the date the appointments were first made. The State Government was additionally fined ₹5 lakhs by the Court because the appellant had been forced to undertake protracted litigation despite having merit.

Cause Title: Prabhu Kumar v. State of Himachal Pradesh & Ors. (Neutral Citation: 2026 INSC 253)

Appearances

Senior Advocate P.V. Dinesh is the appellant, along with Subhash Chandran K.R., Biju P. Raman (AOR), Krishna L.R., Anna Oommen, Anirudh K.P., and John Thomas Arakal. Advocates Arman Roop Sharma, Shimpy Arman Sharma, Priyanka Dubey, Saumya Mishra, Shivangi Goel, and Dr. Vinod Kumar Tewari (AOR) were among the respondents.