

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
IN
WRIT PETITION (CIVIL) NO. _____ OF 2025
(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)

IN THE MATTER OF:

PREMA RAM,
S/O. SHRI BHABUTA RAM,
AGED 27 YEARS
RESIDENT OF [REDACTED]

[REDACTED],
[REDACTED],
[REDACTED]

...PETITIONER

VS.

1. UNION OF INDIA
MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT
ROOM No. 637, A-WING, SHASTRI BHAWAN,
NEW DELHI –110001
THROUGH ITS SECRETARY ...RESPONDENT No.1

2. UNION OF INDIA
DEPARTMENT OF PERSONNEL AND TRAINING
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
NORTH BLOCK, CENTRAL SECRETARIAT,
NEW DELHI-110001
THROUGH ITS SECRETARY ...RESPONDENT No.2

3. UNION PUBLIC SERVICE COMMISSION
HAVING ITS OFFICE AT DHOLPUR HOUSE,
SHAHJAHAN ROAD, NEW DELHI – 110069
THROUGH ITS CHAIRPERSON ...RESPONDENT No.3

A WRIT PETITION UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA CHALLENGING THE EXCLUSION OF THE PETITIONER WHO HAS HAEMOPHILIA FROM RESERVATIONS IN PUBLIC EMPLOYMENT, AS ALL PERSON WITH HAEMOPHILIA ARE EXCLUDED FROM SECTION 34 OF THE RIGHTS OF PERONS WITH DISABILITIES ACT, 2016, DESPITE THE PETITIONER BEING A PERSON WITH BENCHMARK DISABILITY, AS BEING VIOLATIVE OF THE FUNDAMENTAL RIGHTS GUARANTEED UNDER ARTICLES 14, 16, 19, AND 21 OF THE CONSTITUTION OF INDIA, 1950 RESULTING IN DENIAL OF RESERVATIONS IN PUBLIC EMPLOYMENT.

To,

THE HON'BLE CHIEF JUSTICE OF INDIA,
AND HIS COMPANION JUDGES OF THE
HON'BLE SUPREME COURT OF INDIA

THIS HUMBLE PETITION OF THE
PETITIONER ABOVE-NAMED

MOST RESPECTFULLY SHOWETH

1. The present Writ Petition, under Article 32 of the Constitution of India, is filed by the Petitioner, who is suffering from Hemophilia – A and has 50% benchmark disability, challenging the exclusion of persons with Haemophilia and other blood disorders from availing the benefit of reservation in public employment under Section 34 of the RPWD Act. Such discrimination and arbitrary exclusion of benchmark disability of Haemophilia and other blood disorders from Section 34 of the RPwD Act depriving them of access to

reservations in public employment amounts to discrimination and is violative of fundamental rights of the Petitioner guaranteed under Articles 14, 19, and 21 of the Constitution of India, 1950. **A cumulative reading of the UN Convention and the RPWD Act clearly establishes that the State is under a positive obligation to prevent discrimination against persons with disabilities. However, Section 34 of the RPWD Act is discriminatory, regressive, and arbitrary, as it treats individuals with certain types of disabilities differently from those with other types, without any reasonable classification or intelligible differentia. This unequal treatment infringes upon the fundamental rights of persons with specific disabilities (including Haemophilia), as guaranteed under Articles 14, 16, and 21 of the Constitution.**

BRIEF FACTS:

2. It is submitted that the Rights of Persons with Disabilities Act, 2016 was enacted on 26th December, 2016 by the Parliament. The underlying objective of enactment of this Act, as described in the preamble of the Act is to implement the United Nations Convention on the Rights of Persons with Disabilities (hereinafter referred to as “UNCRPD”).
3. India formally ratified the UNCRPD on 1st October 2007. It is submitted that the UNCRPD is considered to be the benchmark document for ensuring the protection of human rights and fundamental freedoms of the persons with disabilities and the signatories are expected to give due effect to the UNCRPD, of which they are signatory.

4. Article 4 of UNCRPD, which lays down the General Obligations wherein State parties are required to ensure elimination of any form of discrimination on the basis of disability by any person. Article 27 further puts an obligation on the State to prohibit all forms of discrimination in employment on the basis of disability.
5. On [REDACTED], the Petitioner was issued a Disability Certificate bearing Certificate No. [REDACTED] noting that he is a case of Multiple Disability and having 52% of permanent physical impairment due to Hemophilia as the whole body is affected. True Copy of the Disability Certificate bearing Certificate No. [REDACTED] issued by the Department of Medical and Health, Government of Rajasthan, is annexed herewith as **ANNEXURE-P-1.** (PAGE NO. 39)
6. As per the latest Disability Certificate dated ([REDACTED]), the Petitioner is a person with Hemophilia and having 50% benchmark disability due to Hemophilia. The Petitioner is presently working on [REDACTED] at [REDACTED], Rajasthan. Otherwise, the Petitioner was originally posted at [REDACTED], Rajasthan. True Copy of the Disability Certificate (Certificate/UDID No. [REDACTED]) issued by the Office of Chief Medical & Health Office, Jodhpur Rural, Rajasthan is annexed herewith as **ANNEXURE-P-2.** (PAGE NO. 40)
True Copy of the Unique Disability ID (UDID No. [REDACTED]) is annexed herewith as **ANNEXURE-P-3.** (PAGE NO. 41)

7. It is submitted that Haemophilia is a rare life-threatening incurable disease which affects multiple parts of the body simultaneously. A person having Haemophilia lacks or has low levels of “Clotting factor” and the blood does not clot properly which leads to excessive bleeding. This bleeding can be internal as well as external. Repeated bleedings in more than one joint/body part leads to permanent deformity in the joints of a Haemophilic patient. Certain other kind of internal/external bleeding such as a stomach bleed or a bleeding in head can lead to death if not treated immediately and adequately. To control the bleeding, patients with Haemophilia have to take an injection of an Anti-Haemophilia Factor. This injection is made from human blood and therefore, by usage of this drug, patients are exposed to the risk of other deadly viruses such as HIV and/or Hepatitis. The severity of this disability can be ascertained by the fact that most of the patients suffering from Haemophilia have more than one lifelong deformity in the body, which hampers not only the physical, but also mental health of people with Haemophilia. India is home to the second largest population of patients living with Haemophilia, with an estimated 1,36,000 individuals grappling with haemophilia A. However, only around 21,000 are registered at present. Nearly 80 per cent of haemophilia cases are undiagnosed in India as several hospitals and medical institutions lack screening capabilities for blood clotting, affecting the diagnosis of new cases. True Copy of an article titled *‘Hemophilia Patients in India get a Shot in Arm’* dated 15.12.2023 published by the New Indian Express is annexed herewith as **ANNEXURE-P-4**. (PAGE NO. 42 - 43)

8. **It is submitted that due to recurrent bleeding episodes, a person with Haemophilia is unable to lead a normal life in physical, social, and financial terms. Physically, even minor injuries can lead to prolonged internal and external bleeding, causing severe joint damage, locomotor disability, chronic pain, and reduced mobility. Socially, the unpredictability of bleeding episodes often lead to isolation, absenteeism from school or work, and limited participation in community life. Financially, the high cost of regular treatment – particularly clotting factor replacement therapy – imposes a significant and ongoing burden, often making it difficult for Haemophilic patients and their families to sustain a stable livelihood. Given the rarity of the disorder, these multifaceted challenges are frequently overlooked or misunderstood, thereby warranting special consideration.**

9. It is submitted that the earlier legislation being The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) , Act, 1995 (“PWD Act”) only recognized 7 disabilities and was restrictive and medical oriented and only covered the following:
 - I. Blindness*
 - II. Low Vision*
 - III. Leprosy-Cured*
 - IV. Hearing Impairment*
 - V. Locomotor Disability*
 - VI. Mental Retardation*
 - VII. Mental Illness*

10. However, after the enactment of the Rights of Persons with Disabilities Act (“RPD Act”) in 2016, the law not only expands the definition of ‘Person with disability’ and ‘person with benchmark disability’ but also provides for increased number of benefits for the persons with disabilities. Some of the main provisions of the RPD Act are as under:

- (i) **Section 2(s)** of the act define Person with disability (PwD) :- a person with long term physical, mental, intellectual or sensory impairment which, in interaction with barriers, hinders his full and effective participation in society equally with others;
 - (ii) **Section 2(r)** of the RPD Act defines “Person with benchmark disability” (PwBD) as :- a person with not less than forty per cent. of a specified disability where specified disability has not been defined in measurable terms and includes a person with disability where specified disability has been defined in measurable terms, as certified by the certifying authority;
 - (iii) **Section 2(zc)** of the Act defines ‘ Specified Disabilities’. There are certain benefits (for example Reservation in Jobs, Educational Institutions, Tax Benefits etc) which are extended only to Disabilities which are covered under Section 2(zc) of the Act. Pertinently, Haemophilia is a Specified Disability under the Act.
11. Post the enactment of RPWD Act of 2016, the scope of ‘disabilities’ expanded and it included 21 disabilities including Haemophilia. **Following are the 21 disabilities forming part of the RPWD Act of 2016:**

- I. *Locomotor Disability*
- II. *Leprosy-Cured Person*
- III. *Cerebral Palsy*
- IV. *Dwarfism*
- V. *Muscular Dystrophy*
- VI. *Acid Attack Victims*
- VII. *Blindness*
- VIII. *Low Vision*
- IX. *Hearing Impairment (“Deaf” and “Hard of Hearing”)*
- X. *Speech and Language Disability*
- XI. *Intellectual Disability*
- XII. *Specific Learning Disabilities*
- XIII. *Autism Spectrum Disorder*
- XIV. *Mental Illness*
- XV. *Multiple Sclerosis (Neurological Condition)*
- XVI. *Parkinson’s Disease (Neurological Condition)*
- XVII. *Haemophilia*
- XVIII. *Thalassemia*
- XIX. *Sickle Cell Disease*
- XX. *Multiple Disabilities (including “Deaf Blindness”)*
- XXI. *Any other category (inclusive)*

12. It is submitted that the latest Guidelines for assessing the extent of the specified disabilities as issued by the Respondent No.1 Union of India provide that for all Haemophilia patients with less than 5 per cent factor levels should be provided with bench mark disability of 40%. The guidelines further provide a disability score assigned to patients with haemophilia based on the major joints that are affected and deformity around the joints and difficulty in using limbs.

This also amounts to locomotor disability. True Copy of the latest Assessment Guidelines dated 12.3.2024 issued by Ministry of Social Justice and Empowerment, Department of Empowerment of Persons with Disabilities (Divyangjan) is annexed herewith as **ANNEXURE-P-5**. (PAGE NO. 44 - 59)

13. It is submitted that as per the afore-mentioned Assessment Guidelines dated 12.03.2024, “Locomotor Disability” has been defined in the following terms:

“Locomotor Disability” means a person’s inability to execute distinctive activities associated with movement of self and objects resulting from affliction of musculoskeletal, nervous system, or both.

14. Additionally, the afore-mentioned Assessment Guidelines, while defining and elaborating on Blood Disorders (Specified Disability under the RPwD Act), which also includes Hemophilia A or B, categorically mentions that – all persons with blood disorders will experience limitations because of the disease, suffer the risk of complications, and reduced life expectancy, and, therefore, benchmark disability of 40% is assigned to the patients fulfilling the criteria of “severity” of any of the blood disorders – enumerated in the RPwD Act and the said Assessment Guidelines. As Hemophilia leads to severe and progressive musculoskeletal damage, it leads to “locomotor disability” for severe cases of haemophilic patients. At this juncture, it is imperative to highlight the following from Assessment Guidelines of 12.03.2024:

All hemophilia patients with less than 5 percent factor levels should be provided benchmark disability of 40%. For the purpose of disability certification, criteria include a diagnosed case of HEMOPHILIA, with history of two or more bleeds in the MAJOR JOINTS OR one episode of INTRACRANIAL BLEED OR one episode of MUSCLE BLEED and clotting factor VIII or IX level less than 5% is considered to have benchmark disability of 40 %.

15. As the assessment of disability arising from Hemophilia Disorder involves locomotor evaluation, the Disability Score Assignment Table is mentioned below:

Disability Score (%)	Measured Factor VIII or IX Level	Clinical Criteria
5	5-50% (Factor VIII or IX)	History of significant bleeding during injury or surgery BUT no deformity and no severe chronic pain #due to the disease.
20	5-50% (Factor VIII or IX)	History of significant bleeding during and injury or surgery AND deformity OR severe chronic pain #due to the disease.
40	<5% (Factor VIII or IX)	Hemophilia + Documentation of two or more bleeds in any MAJOR JOINT or muscles.
45	<5% (Factor VIII or IX)	Hemophilia = with deformity like ONE MAJOR JOINT* AFFECTED like Fixed Flexion Deformity OR significant wasting of muscles around the joint OR contracture OR severe chronic pain#
50	<5%	Hemophilia =TWO MAJOR JOINTS* AFFECTED like Fixed Flexion Deformity OR significant wasting of muscles around the joint OR contracture OR severe chronic pain#, OR gastro-intestinal bleeding persistent.

16. The Percentage of haemophilia disability increases when more locomotor disability implications are present. In the present case, the Petitioner has deformity in the left knee and the two joints i.e., right elbow and right ankle due to hemophilia and are progressively deteriorating. Keeping that in view, the Petitioner was issued disability certificate with 50% disability.
17. Despite the coverage of 'Haemophilia' and other blood disorders under Specified Disabilities and their coverage under benchmark disabilities, Haemophilia is not included for several provisions relating to reservation in public employment and education. Section 34 of the RPD Act only provides reservation in employment to persons with benchmark disabilities (PwBD) of only certain categories, while excluding others without any rational basis.
18. Section 34 of the RPD Act states as follows:

34. Reservation.—

(1) Every appropriate Government shall appoint in every Government establishment, not less than four per cent. of the total number of vacancies in the cadre strength in each group of posts meant to be filled with persons with benchmark disabilities of which, one per cent. each shall be reserved for persons with benchmark disabilities under clauses (a), (b) and (c) and one per cent. for persons with benchmark disabilities under clauses (d) and (e), namely:—

(a) blindness and low vision;

(b) deaf and hard of hearing;

(c) locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy;

(d) autism, intellectual disability, specific learning disability and mental illness;

(e) multiple disabilities from amongst persons under clauses (a) to (d) including deaf-blindness in the posts identified for each disabilities:

Provided that the reservation in promotion shall be in accordance with such instructions as are issued by the appropriate Government from time to time:

Provided further that the appropriate Government, in consultation with the Chief Commissioner or the State Commissioner, as the case may be, may, having regard to the type of work carried out in any Government establishment, by notification and subject to such conditions, if any, as may be specified in such notifications exempt any Government establishment from the provisions of this section.

(2) Where in any recruitment year any vacancy cannot be filled up due to non-availability of a suitable person with benchmark disability or for any other sufficient reasons, such vacancy shall be carried forward in the succeeding recruitment year and if in the succeeding recruitment year also suitable person with benchmark disability is not available, it may first be filled by interchange among the five categories and only when there is no person with disability available for the post in that year, the employer shall fill up the vacancy by appointment of a person, other than a person with disability:

Provided that if the nature of vacancies in an establishment is such that a given category of person cannot be employed, the vacancies

may be interchanged among the five categories with the prior approval of the appropriate Government.

(3) The appropriate Government may, by notification, provide for such relaxation of upper age limit for employment of persons with benchmark disability, as it thinks fit.

19. Thus, a plain reading of Section 34 reveals that it provides for reservation in public employment for only 14 of the specified disabilities, being : blindness, low vision, deaf and hard of hearing, locomotor disability, cerebral palsy, leprosy cured, dwarfism, acid attack victims, muscular dystrophy, autism, intellectual disability, specific learning disability, mental illness and multiple disabilities including deaf-blindness. It does not include the 6 categories of specified disabilities which are also included for persons with benchmark disabilities if they have more than 40% — including haemophilia and other blood disorders, which are inexplicably excluded from the coverage of Section 34 of the RPD Act.
20. It is submitted that while the provisions and benefits for PwBD under Sections 31, 32, 35, and 37 of the RPD Act is available equally to PwBD across all disability categories, reservations in public employment, however, under Section 34 arbitrarily excludes the categories of blood disorders including haemophilia from reservation. While the rights, benefits, affirmative actions in the act are applied on the classification of percentage/degree of disability (PwD, PwBD and PwD with need of high support) but only section 34 of the act is based on the additional classification of disability categories and select few categories of disabilities for reservation in public employment and not all the specified disabilities. While in

Chapter VI (section 31 to 38) of the RPW Act, for persons with benchmark disabilities, all the 21 disabilities including haemophilia are eligible for benefits. These provision are as follows:-

- i. Under Section 31 and 32 of the RPWD Act, a Person with Haemophilia is provided benefit of reservation in Higher Educational Institutions and free education as well.*
- ii. Under section 35, government promote to ensure five percent of workforce compose PwBDs including haemophilia in private sector.*
- iii. Under section 37(a) PwBDs including haemophilia is provided benefit of five percent reservation in allotment of agricultural land and housing.*
- iv. Under section 37(b) PwBDs including haemophiliac is provided benefit of five percent reservation in all poverty alleviation schemes and developmental schemes.*
- v. Under section 37(c) PwBDs including haemophiliac is provided benefit of five percent reservation in allotment of land on concessional rate.*

21. It is respectfully submitted that Chapter VI (Section 31 to 38) of the RPwD Act provides for reservation benefit to all the 21 types of disabilities enumerated in the said Act, inclusive of Haemophilia, however, Section 34 limits the same when it comes to reservation in employment and arbitrarily excludes Haemophilia.
22. Pertinently, a number of Member of Parliaments and Union Ministers themselves had requested the government to consider inclusion of Haemophilia under Section 34 of the Act. For the purposes of brevity, a letter from [REDACTED]

25. In this background the Petitioner, has been planning to sit for the civil services examinations. On 22.01.2025, The Respondent No.3 – UPSC issued an examination notification bearing No.5/2025-CSP inviting online applications for Civil Services (Preliminary) Examination, 2025, to be held on 25.05.2025. the Respondent No.3 – UPSC also issued the timetable for the examinations. True Copy of examination notification bearing No.5/2025-CSP dated 22.01.2025 inviting online applications for Civil Services (Preliminary) Examination, 2025, issued by Union Public Service Commission, New Delhi, is annexed herewith and marked as **ANNEXURE-P-10**. (PAGE NO. 66 - 222)
26. It is submitted that the Respondent No.3 – UPSC issued the time table and Programme of Examinations/Recruitment Tests – 2025 for Civil Services (Preliminary) Examination, 2025, and other examinations conducted by Respondent No.3 which chows that the Preliminary examinations are due to be held on 25.05.2025. True Copy of the Programme of Examinations/Recruitment Test (Time Table) for Civil Services (Preliminary) Examination, 2025, issued by Union Public Service Commission, New Delhi, is annexed herewith as **ANNEXURE-P-11**. (PAGE NO. 223)
27. It is submitted that on [REDACTED] The Petitioner filed the application form for Civil Services (Preliminary) Examination, 2025, bearing Registration ID [REDACTED] In the said form, the Petitioner was compelled to select “No” for Person with Benchmark Disability (PwBD)/Person with Disability (PwD) option as “Haemophilia” category was unavailable in the said online application form. This is because Haemophilia and other blood

30. The Petitioner made a representation to Respondent No.3 – Secretary, Union Public Service Commission, vide letter dated [REDACTED] seeking inclusion of his application under PwBD and give benefit of reservation in the Civil Services Examination. True Copy of the letter dated [REDACTED] sent to the Secretary, Union Public Service Commission, New Delhi along with the mail acknowledgment is annexed herewith as **ANNEXURE-P-15.** (PAGE NO. 232 - 240)
31. The Respondent No.3 -UPSC issued admit card to the Petitioner for the Civil Services (Preliminary) Examination, 2025, on 13.05.2025 with allotted Roll No [REDACTED] for the purposes of writing the said examination. True Copy of the admit card for the Civil Services (Preliminary) Examination, 2025, issued by Union Public Service Commission, New Delhi, on 13.05.2025 is annexed herewith as **ANNEXURE-P-16.** (PAGE NO. 241 - 243)
32. It is submitted that while the Vide Reply dated [REDACTED] Petitioner's request for compensatory time in Civil Services (Preliminary) Examination, 2025, has been acceded to and he has been allowed "Compensatory Time of 20 Min/Hr" by Respondent No.3-UPSC vide reply dated [REDACTED], there has been no response to his representation dated [REDACTED] seeking inclusion of his application under PwBD and give benefit of reservation in the Civil Services Examination. True Copy of the Reply Letter (F NO. [REDACTED]) [REDACTED] sent by Union Public Service Commission, New Delhi, is annexed herewith and marked as **ANNEXURE-P-17.** (PAGE NO. 244)

33. That the Petitioners, along with all other Haemophiliacs and persons with blood disorders are gravely affected by such arbitrary and unreasonable discrimination under the RPD Act by not being provided reservation in public employment which is provided to all other persons with specified disabilities having benchmark disability of more than 40%. It is submitted that under the Act, A person suffering from Severe Haemophilia is entitled to be treated equally and should be given equal employment opportunities as are given to people suffering from other disabilities.

GROUND:

34. **FOR THAT**, the exclusion of the Petitioner who has Haemophilia which included under Specified Disabilities and the Petitioner who is covered under Section 2(r) of the RPWD Act of 2016 which ‘Persons with Benchmark Disability’ as any person with not less than 40% of the Specified Disability, from reservation under Section 34 of the RPD Act providing reservation in public employment is completely arbitrary and in violation of Articles 14, 19 and 21 of the constitution and deserves to be read so as to include all persons with benchmark disabilities.
35. **FOR THAT**, when Section 2 (r) of the RPD Act defines a “person with benchmark disability” as a person with not less than forty per cent. of a specified disability where specified disability has not been defined in measurable terms and includes a person with disability where specified disability has been defined in measurable terms, as certified by the certifying authority, and the Petitioner has been certified in having 50% of Haemophilia which is a specified disability and this falls within the category of a person with benchmark

disability, his exclusion for reservation in public employment under section 34 of the RPD Act is completely in violation of the provisions of the RPD Act and is arbitrary and unreasonable and deserves the intervention of this Hon'ble Court.

36. **FOR THAT**, under Section 34 of the RPD Act, where it is mandated that the appropriate Government shall appoint in every Government establishment, not less than 4% of the total number of vacancies in the cadre strength in each group of posts meant to be filled with persons with “benchmark disabilities”, the restriction of the same only to persons with “certain” benchmark disabilities of blindness, low vision, deaf and hard of hearing, locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy, autism, intellectual disability, specific learning disability, mental illness and multiple disabilities including deaf-blindness in the posts identified for each disabilities and excluding haemophilia and other blood disorders is completely arbitrary and in violation of the provisions of the RPD Act and discriminates against persons with haemophilia, and the same deserves to be included.
37. **FOR THAT**, Section 34 of the RPD Act, in excluding persons with Haemophilia for reservations in public employment is also against the provisions of the RPD Act itself which provides in Section 3 of the RPD Act that no person shall be discriminated on the ground of disability and shall enjoy the right to equality, life with dignity and respect for his or her integrity equally with others, and also Section 20(1) of the RPWD Act of 2016 ensures that *“No Government establishment shall discriminate against any person with disability*

in any matter relating to employment.” Hence merely because the Petitioner has haemophilia, he cannot be excluded from the provisions of reservation in employment when other disabilities are covered as that amounts to discrimination on the basis of the kind of disability that the Petitioner has and thus deserves the intervention of this Hon’ble Court.

38. **FOR THAT**, persons with benchmark disabilities have been provided several benefits under Sections 31 of the RPD Act providing for free education for children with benchmark disabilities, Section 32 of the RPD Act providing for Reservation in higher educational institutions, Section 17 (h) in providing scholarship to students with benchmark disabilities, Section 33 in identifying posts for persons with benchmark disabilities, Section 35 in providing incentives to the private sector in employing persons with benchmark disabilities, Section 37 in making special schemes and development programmes for persons with benchmark disabilities and Section 91 for Punishment for fraudulently availing any benefit meant for persons with benchmark disabilities. In none of these sections of the law, has there been any exclusion of certain kinds of disabilities, and all these provisions are provided to all persons with benchmark disabilities and hence the exclusion of the Petitioner on account of his having haemophilia, dispute being a persons with benchmark disability, from reservation in public employment under Section 34 of the RPD Act is completely arbitrary and in violation of the provisions of the RPD Act.
39. **FOR THAT**, Chapter VI of the Act deals with ‘*Special Provisions for Persons with Benchmark Disability*’ and thus when the Petitioner

being a person with Haemophilia and more than 40% disability is a Person with Benchmark Disability and entitled to all the benefits provided under this Chapter, he cannot be excluded from the benefits of reservation in public employment under Section 34 of the RPD Act, and the same is arbitrary and in violation of the provisions of the RPD Act and also Article 14 of the constitution.

40. **FOR THAT**, under the Assessment Guidelines issued by the Respondent Government under the RPD Act, there is a clear recognition that a disability score of 40% or more is to be given for Haemophilia only when there is Documentation of two or more bleeds in any MAJOR JOINT or muscles, and includes deformity such as one major joint affected, Fixed Flexion Deformity OR significant wasting of muscles around the joint, difficulty in usage of limbs, use of wheel chair etc. all of these guidelines show that even persons with Haemophilia, like the Petitioner have been assessed with 40% or more of Haemophilia, when they have severe effects of the blood disorder leading to locomotor disability, and inability to use their limbs. When persons with locomotor disability falling under the category of benchmark disability are covered under section 34 of the RPD Act and in fact even those who have locomotor disability due to haemophilia are covered, the non-coverage of the Petitioner having an identical disability of not being able to use his limbs due to the severity of haemophilia, merely because the locomotor disability is caused by haemophilia is completely arbitrary and in violation of Article 14 of the constitution and deserves to be set aside.

41. **FOR THAT**, the classification of persons with benchmark disabilities under Section 34 of the RPD Act into persons who are eligible for reservation in jobs in governmental institutions and persons who despite being covered under benchmark disabilities are not eligible for reservation in government employment is completely arbitrary as the said classification has no nexus with the object to be achieved under the legislation and hence the same is in violation of Article 14 of the constitution.
42. **FOR THAT**, reservation in public employment is provided under the RPD Act for person with disabilities to provide equal opportunities to livelihood and to provide substantive equality. As stated by this Hon'ble Court in ***Indra Sawhney v. Union of India, 1992 Supp (3) SCC 217***, the main reason for need for reservation is to guarantee substantive equality. The Hon'ble Court observed,

“The basic policy of reservation is to off-set the inequality and remove the manifest imbalance, the victims of which for bygone generations lag far behind and demand equality by special preferences and their strategies. Therefore, a comprehensive methodological approach encompassing jurisprudential, comparative, historical and anthropological conditions is necessary. Such considerations raise controversial issues transcending the routine legal exercise because certain social groups who are inherently unequal and who have fallen victims of societal discrimination require compensatory treatment. Needless to emphasise that equality in fact or substantive equality involves the necessity of beneficial treatment in order to attain the result which establishes an equilibrium between two sections placed unequally.”

Excluding the Petitioner, from reservations in public employment in an arbitrary manner, due to him having haemophilia, when all other persons with benchmark disabilities are covered, amounts to depriving the Petitioner of substantive equality in seeking public employment.

43. **FOR THAT**, this Hon'ble Court in ***Union of India v. National Federation of the Blind (2013) 10 SCC 772*** has recognized that employment opportunities play an instrumental role in empowering persons with disabilities and observed:

*“50. Employment is a key factor in the empowerment and inclusion of people with disabilities. It is an alarming reality that the disabled people are out of job not because their disability comes in the way of their functioning rather it is **social and practical barriers** that prevent them from joining the workforce. As a result, many disabled people live in poverty and in deplorable conditions. They are denied the right to make a useful contribution to their own lives and to the lives of their families and community.”*

44. **THAT**, by excluding the Petitioner on account of him having haemophilia from Section 34 of the RPD Act, it would also deprive him from benefit of reasonable accommodation which is given to every persons with disability, specific to his needs within public employment, as he is not even considered as being a person with disability within the job. All the benefits of reasonable accommodation like age relaxation, compensate marks in recruitment, priority in posting, exemption from routine transfers, postings near the place of medical facility, getting scribe facility in

recruitment, disability allowance and disability leave during service, special benefits to disabled in service etc. would not be available to him, despite being a person with benchmark disability. This is a form of indirect discrimination and hence deserves the intervention of this Hon'ble Court.

45. **FOR THAT**, individuals living with haemophilia are equally entitled to reservation benefits as those with other specified disabilities listed in the Schedule to the RPwD Act. Persons with haemophilia experience a high frequency of infections, inflammation, painful condition in their limbs and even restriction in usage if their limbs, restrictions in mobility, which significantly impacts their daily functioning. Even routine tasks require meticulous planning around their health condition, anticipated hospital visits, or the risk of sudden medical crises. Their lifestyle is severely restricted, with many normal activities curtailed, and the cost of treatment is prohibitively expensive—even for families from upper middle-class backgrounds. Given that persons with haemophilia endure challenges comparable to those faced by individuals with other benchmark disabilities, they are equally deserving of the rights to equality of opportunity, non-discrimination, and full and effective participation and inclusion in society.
46. **FOR THAT**, it was held by this Hon'ble Court in ***State of Kerala and Others, v. N.M. Thomas***, 1976 AIR SC 490, that the Article 14 guarantee forbids class legislation but does not forbid reasonable classification which is based on reasonable and intelligible differentia, and Such differentia must be on a rational basis and it must have nexus to the object of the Act. In the present

case, there is no reasonable and intelligible differentia on the basis of which the Petitioner having Hemophilia is excluded from reservations in public employment for which other benchmark disabilities are included, when he also has similar disabilities of joint and locomotor disabilities and the same is also not rational and does not have any nexus with the object of the RPD Act which is to provide equal opportunities in public employment and substantive equality for people with disabilities. This fails the test of permissible classification and deserves the intervention of this Hon'ble Court as the same is arbitrary and irrational and in violation of Article 14.

47. **FOR THAT**, it was held by this Hon'ble Court in ***Vikash Kumar v. Union Public Service Commission***, AIR 2021 SC 2447, the RPD Act mandates positive action on the part of the State Government to realize equality and dignity for persons with disabilities. It held:

“At the heart of this case lies the principle of reasonable accommodation. Individual dignity undergirds the RPD Act 2016. Intrinsic to its realization is recognizing the worth of every person as an equal member of society. Respect for the dignity of others and fostering conditions in which every individual can evolve according to their capacities are key elements of a legal order which protects, respects and facilitates individual autonomy. In seeking to project these values as inalienable rights of the disabled, the RPD Act travels beyond being merely a charter of non-discrimination. It travels beyond imposing restraints on discrimination against the disabled. The law does this by imposing a positive obligation on the State to secure the realization of rights. It does so by mandating that the State must create conditions in which the barriers posed by

disability can be overcome. The creation of an appropriate environment in which the disabled can pursue the full range of entitlements which are encompassed within human liberty is enforceable at law. In its emphasis on substantive equality, the enactment of the legislation is a watershed event in providing a legal foundation for equality of opportunity to the disabled.”

48. **FOR THAT**, in **Jeeja Ghosh v. Union of India** (2016) 7 SCC 761, this Hon'ble Court held:

“The rights that are guaranteed to differently abled persons under the Act, 1995 are founded on the sound principle of human dignity which is the core value of human right and is treated as a significant facet of right to life and liberty. Such a right, now treated as human right of the persons who are disabled, has its roots in Article 21 of the Constitution. Jurisprudentially, three types of models for determining the content of the constitutional value of human dignity are recognised. These are: (i) Theological Models, (ii) Philosophical Models, and (iii) Constitutional Models. Legal scholars were called upon to determine the theological basis of human dignity as a constitutional value and as a constitutional right. Philosophers also came out with their views justifying human dignity as core human value. Legal understanding is influenced by theological and philosophical views, though these two are not identical. Aquinas and Kant discussed the jurisprudential aspects of human dignity based on the aforesaid philosophies. Over a period of time, human dignity has found its way through constitutionalism, whether written or unwritten. Even right to equality is interpreted based on the value of human dignity. Insofar

as India is concerned, we are not even required to take shelter under theological or philosophical theories. We have a written Constitution which guarantees human rights that are contained in Part III with the caption “Fundamental Rights”. One such right enshrined in [Article 21](#) is right to life and liberty. Right to life is given a purposeful meaning by this Court to include right to live with dignity. It is the purposive interpretation which has been adopted by this Court to give a content of the right to human dignity as the fulfilment of the constitutional value enshrined in [Article 21](#). Thus, human dignity is a constitutional value and a constitutional goal.”

49. **FOR THAT** the Hon’ble High Court of Odisha, in the case of ***Pratik Srichandan v. State of Odisha & Ors. (W.P.37200 of 2023)***, vide judgment 22.08.2024, interpreted various provisions of the RPD Act along with the Assessment Guidelines and held that having two distinct disabilities i.e., Locomotor Disability and Haemophilia shall be read as “multiple disabilities”. Following excerpts from the judgment are relevant:

7.6. A minute reading of Paragraph 12 of the Resolution would depict that the disability, i.e., Locomotor, falls under Category-III(c). Therefore, the petitioner can be said to be a person comprehended in the expression “from amongst persons under clauses (a) to (d)”. However, in order to ascertain the connotation of “Multiple Disabilities” reference has to be made to Paragraph 5 of the Schedule identifying disabilities in tune with the definition contained in Section 2(zc) of the PwD Act, 2016, whereby it is made clear that “Multiple Disabilities” is more than one of the specified disabilities. While at Paragraph 1 of the said Schedule

“Locomotor” has been described, at Paragraph 4 “Haemophilia” has been cited as “disability caused due to” “blood disorder”. Further, the Notification No.SO 76 (E), dated 04.01.2018 of Ministry of Social Justice and Empowerment [Department of Empowerment of Persons with Disabilities (Divyangjan)] clarifies the position that “Locomotor” and “Haemophilia” are two distinct and different categories of disabilities. Thus, the petitioner has “Locomotor Disability” as mentioned in Paragraph 12(c), besides “Haemophilia” which is another category of disability. Since the petitioner has more than one disability, namely, Haemophilia and amongst (a) to (d) he has Locomotor Disability, his case, therefore, falls within the scope of the expression “Multiple Disabilities”.

50. **FOR THAT**, That India, as a signatory to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), is obligated to uphold and implement the principles of non-discrimination and equal opportunity for individuals with disabilities. The Convention affirms the right of persons with disabilities to be free from discrimination in all matters relating to employment, including recruitment, hiring, retention, career progression, and the provision of safe and healthy working conditions. It mandates that no person with a disability shall be excluded from employment-related benefits, including reservation, on the basis of their disability. The obligation extends to ensuring that all benchmark disabilities specified under domestic law are equally covered under the framework of reservation in employment.

Article 27 – Work and Employment (UNCRC)

1. *States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to, inter alia:*
 - a) **Prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions;**
 - b) **Protect the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances;**
 - c) *Ensure that persons with disabilities are able to exercise their labour and trade union rights on an equal basis with others;*

- d) *Enable persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training;*
- e) *Promote employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in finding, obtaining, maintaining and returning to employment;*
- f) *Promote opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one's own business;*
- g) **Employ persons with disabilities in the public sector;**
- h) *Promote the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures;*
- i) **Ensure that reasonable accommodation is provided to persons with disabilities in the workplace;**
- j) *Promote the acquisition by persons with disabilities of work experience in the open labour market;*
- k) *Promote vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities.*

51. **FOR THAT**, the exclusion of Haemophilia from the ambit of Section 34 of RPWD Act of 2016 is arbitrary, unconstitutional and without any rationale and therefore, such exclusion is violative of Articles 14, 19 and 21 of the Constitution of India, 1950.

52. **FOR THAT**, in the present matter, the Petitioner is suffering from Haemophilia which has been included as a disability under the Act of 2016, however, unfortunately the persons having haemophilia are not given the opportunity to get reservations in public employment which ostensibly shows that fundamental right of the Petitioner has been violated. All the disabilities other than haemophilia have been given the reservation of getting employment in public sector but haemophilia has been excluded from getting reservation for public employment which is deprivation of Petitioner's fundamental right under Article 14 of the Constitution of India, 1950, where equals are treated differently and which also makes the purpose and objectives of the UNCRPD and the RPWD Act of 2016 infructuous.

53. **FOR THAT**, the exclusion of the Petitioner from the benefit of reservation solely on the ground of having Haemophilia under Section 34 of the RPD Act, amounts to discrimination and results in the denial of equal opportunity in public employment by the Respondent. It is respectfully submitted that such arbitrary and unreasonable classification infringes the fundamental rights of the Petitioner guaranteed under Articles 14, 16, 19, and 21 of the Constitution of India, 1950.

54. **FOR THAT**, the State cannot deny the right to employment on account of medical conditions if the person is otherwise fit to work and can be reasonably accommodated without causing undue hardship.
55. The Petitioner craves liberty from this Hon'ble Court to add, alter or amend other/further grounds during hearing of the present petition.
56. The Petitioner has not filed any other petition raising the issue raised in the present writ petition in any other court. It is submitted that this Hon'ble Court has jurisdiction to entertain the present writ petition.

GROUND FOR INTERIM PRAYER

57. **THAT** if the Petitioner is not considered as a person with benchmark disability having haemophilia, for the upcoming Civil Services (Preliminary) Examination, 2025, conducted by Respondent No.3 – UPSC and in the marking of the same, by providing him the relevant concessions in marks, and all other relaxations and concessions as may be provided for all other persons with benchmark disability, then he may be deprived of the chance of being considered and being selected for the Civil Services (Preliminary) Examination 2025 by UPSC, and thereafter this petition may be rendered infructuous.

INTERIM PRAYER

In view of the above facts and circumstances, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to:

- a) Issue an appropriate writ, order or direction to Respondent No. 3 – UPSC to consider the Petitioner as a person with benchmark

disability with Haemophilia, and consider him under the person with benchmark disability category in the upcoming Civil Services Examination, 2025, conducted by the Respondent No. 3 – UPSC and provide him all concessions and relaxations for the examinations, in light of the Disability Certificate [REDACTED] issued to the Petitioner, and pass any such further orders as this Hon'ble Court may deem fit in the interest of justice and equity.

PRAYER

In view of the above facts and circumstances, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to:

- a) Issue an appropriate writ, order or direction declaring that the exclusion of person with haemophilia from coverage of Section 34 of the Rights of Persons with Disabilities Act 2016 providing not less than 4% of the total number of vacancies in each group of posts meant to be filled with persons with benchmark disabilities in all government establishments to be reserved for persons with benchmark disabilities is unconstitutional, and to direct that persons with benchmark disability of Haemophilia should also be covered under Section 34 (1) (c) of the RPD Act under locomotor disability and including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy; AND
- b) Issue appropriate directions to Respondent No.3 - UPSC to consider the Petitioner as a person with benchmark disability and to provide all concessions and relaxations as applicable to all persons with benchmark disabilities for the upcoming UPSC examinations and selections; AND

- c) Pass Any other and further Order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.

AND FOR THIS ACT OF KINDNESS, THE PETITIONER AS IN DUTY BOUND SHALL EVER PRAY

DRAWN BY:

FILED BY:

[ROHIT SHARMA] [NIKHIL PUROHIT]
[JATIN LALWANI] [MRITUNJAY PATHAK]
ADVOCATES

[KUMAR DUSHYANT SINGH]
ADVOCATE FOR PETITIONER

SETTLED BY:

[JAYANA KOTHARI]
SENIOR ADVOCATE

DRAWN ON: 14.05.2025

FILED ON: 23.05.2025