

## E-Bulletin

### **Govt. cannot exclude job aspirant for being “too disabled”: SC**

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The Disability Law Initiative reviews a defining moment in disability rights jurisprudence last month, when the Supreme Court, through its judgment on 11th March 2026 in Prabhu Kumar v. State of Himachal Pradesh, dismantled a deeply exclusionary barrier in public employment—an upper disability limit that had no basis in law.

Prabhu Kumar, a practicing advocate with 90% permanent locomotor disability, qualified for the post of Assistant District Attorney in the State of Himachal Pradesh, but was denied appointment solely because the recruitment advertisement imposed a 60% upper disability ceiling—a restriction alien to the legal framework in the RPwD Act.

The Supreme Court answered with clarity and conviction. It held that the 60% disability ceiling was arbitrary, unjustified, and unconstitutional, violating Articles 14 and 16 of the Constitution.

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### **The Issue Before the Court**

The appellant challenged the denial as a violation of constitutional guarantees and statutory rights under the

Rights of Persons with Disabilities Act, 2016. The central question was stark:

Can the State arbitrarily exclude a candidate for being “too disabled” when the law itself recognizes no such upper threshold?

### **The Judgment: Equality Cannot Be Arbitrarily Limited**

The Supreme Court held that the 60% disability ceiling was arbitrary, unjustified, and unconstitutional, violating Articles 14 and 16 of the Constitution. The Court emphasized that the RPwD Act recognizes a “person with benchmark disability” as anyone with 40% or more disability, without prescribing any upper cap.

In a significant reaffirmation, the Court underscored the doctrine of reasonable accommodation as central to equality—requiring the State not merely to avoid discrimination, but to actively enable participation.

The judgment also took note of the appellant’s decade-long legal practice, rejecting any presumption that

higher disability equates to incapacity. The absence of expert consultation or objective assessment by the State in prescribing the ceiling was strongly criticized.

### **Relief Granted: Restoring Rights with Consequence**

The Court issued decisive directions:

- **Appointment Ordered:** The State of Himachal Pradesh was directed to issue an appointment letter to Prabhu Kumar within two weeks.

- Retrospective Justice: The appointment was to be backdated to 19th September 2019, with all notional benefits.
- Costs Imposed: ₹5 lakhs was awarded to the appellant for the unjust denial and prolonged litigation.
- High Court Judgment Set Aside: The impugned decision of the Himachal Pradesh High Court was set aside in its entirety.

### **Why This Judgment Matters**

This ruling is more than an individual victory—it is a systemic correction. It sends a clear message that:

- Disability rights cannot be curtailed by administrative convenience.
- Merit and capability cannot be overshadowed by arbitrary classification of levels of disability.
- The principle of inclusion under the RPwD Act is substantive, enforceable, and non-negotiable.

By striking down the notion that one can be “too disabled” to qualify, the Court has expanded the horizon of equal opportunity in public employment.

Case Reference:

- [Prabhu Kumar v. State of Himachal Pradesh & Ors., Civil Appeal No. 868 of 2024](#) — Judgment dated 11/03/2026, Supreme Court of India

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