



2026:DHC:7184



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of Decision: 21.08.2026

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CNR No. DLHC010361652026

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W.P.(C) 11251/2026 & CM APPL. 52014/2026**ROHIT JAISWAL**

.....Petitioner

Through: Dr. Hemant Gupta and Mr. Akash Aggarwal, Advocates.

versus

UNION OF INDIA AND ORS.

.....Respondents

Through: Ms. Himanshi Singh, SPC with Mr. Nipun Jain, GP, Mr. Rohit Kumar and Ms. Monalisa Pradhan, Advocates for UoI.

Mr. Satyakaam, Senior Advocate with Mr. Bipul Kumar Mishra, Advocate for R-3.

Mr. Harsh Pratap Shahi, SPC, Mr. Dev Pratap Shahi, Mr. Sanket Mishra, Ms. Hitaishi Tulsian, Advocates and Mr. Rajkumar Maurya, G.P.

CORAM:**HON'BLE MR. JUSTICE TEJAS KARIA****TEJAS KARIA, J. (ORAL)**

1. The present Writ Petition has been filed under Article 226 of the Constitution of India, 1950, seeking implementation of the order dated 01.12.2025 (“**Appellate Order**”) passed by the Directorate General of Health Services, Government of National Capital Territory of Delhi (“**Appellate Authority**”), in an appeal preferred by the Petitioner under Section 59(1) of the Rights of Persons with Disabilities Act, 2016 (“**RPwD Act**”).



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2. On 22.02.2025, the Petitioner was issued a disability certificate (“**Disability Certificate**”) under the RPwD Act by Dr. Baba Saheb Ambedkar Hospital, Rohini, New Delhi, recording 13% hearing impairment.
3. Being dissatisfied with the assessment of 13% hearing impairment recorded in the Disability Certificate, the Petitioner preferred an appeal under Section 59(1) of the RPwD Act (“**Appeal**”) before the Appellate Authority seeking reassessment of his hearing impairment. The Appellate Authority, *vide* the Appellate Order, directed that the Petitioner may be sent to Respondent No. 3- Dr. Ram Manohar Lohia Hospital, New Delhi (“**RML Hospital**”) for reassessment of his hearing impairment.
4. It is the case of the Petitioner that, pursuant to the Appellate Order, upon visiting RML Hospital, the Petitioner was orally informed by the officials of RML Hospital that the requisite facility for reassessment of hearing impairment was not available at RML Hospital. It is submitted on behalf of the Petitioner that, despite multiple reminders addressed to Respondent No. 2 and RML Hospital seeking implementation of the Appellate Order, no effective response has been received till date.
5. Learned Counsel for the Petitioner submitted that, notwithstanding the Petitioner having succeeded in the statutory appeal under the RPwD Act, the Appellate Order continues to remain unimplemented on account of the inaction and refusal on the part of the Respondents.
6. Learned SPC for Respondent No. 1 submitted that the audiometry room at RML Hospital is presently undergoing renovation and is required to be soundproofed for the effective conduct of reassessment tests. It was further submitted on behalf of Respondent No. 1 that reassessment tests for hearing impairment are presently being conducted at Lady Hardinge



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Medical College, New Delhi, and that the Petitioner may submit a written representation to RML Hospital seeking transfer to an associate hospital for reassessment of his hearing impairment (“**Representation**”). Learned SPC for Respondent No. 1 further submitted that the said position had already been communicated to the Petitioner.

7. Learned Counsel for the Petitioner, however, submitted that even though no such communication has been received by the Petitioner, the Petitioner is ready and willing to submit the Representation, as required, and that the Respondents be directed to consider the same within a time-bound manner.

8. In the aforesaid circumstances, and having regard to the submission made on behalf of Respondent No. 1 that RML Hospital is presently unable to conduct reassessment of the Petitioner’s hearing impairment as its audiometry room is undergoing renovation, the grievance of the Petitioner can be adequately addressed by referring him to an associate hospital of RML Hospital including Landy Hardinge Medical College, New Delhi, having the requisite facilities for conducting reassessment of his hearing impairment.

9. For the aforesaid purpose, the Petitioner shall submit a Representation to RML Hospital, enclosing therewith a copy of this Order. Upon receipt of such Representation, the concerned authorities at RML Hospital are directed to take appropriate steps for referring / transferring the Petitioner to an associate hospital having the requisite facilities for reassessment of the Petitioner’s hearing impairment, so as to give effect to the Appellate Order, within a period of six weeks from the date of receipt of the said Representation.



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10. The present Petition is disposed of in the aforesaid terms. Pending applications, if any, also stand disposed of.

TEJAS KARIA, J

AUGUST 21, 2026

Hk/ap