

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 5922 OF 2015

1. Vasundhara w/o Naresh Jindal,
Age 39 yrs. Occu. Housewife,
r/o. "Jindal Manor" Near Hawaldar Hospital,
Sambhaji Nagar, Jalna.

...PETITIONER

VERSUS

1. State of Maharashtra,
Through the Secretary, Health Department,
Mantralaya, Mumbai.
2. The Collector,
Chairman the Local Level Committee,
Constituted under the National Trust for the Welfare of
Persons with Autism, Cerebral Palsy Mental Retardation
and Multiple Disabilities Act,
1999 for Jalna District, Jalna.
3. The Civil Surgeon,
Government General Hospital, Jalna.

...RESPONDENTS

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Advocate for Petitioner : Mr.Sonwane Mahesh R.
AGP for Respondent State: Mrs. M.A.Deshpande

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CORAM : R. M. BORDE & P.R. BORA, JJ.
Dated: July 23, 2015

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ORAL JUDGMENT: (Per R.M.Borde, J.)

1. Heard. Rule. Rule made returnable and heard
forthwith with the consent of learned Counsel for the parties.

2. Petitioner is praying for issuance of directions to respondent no.3 Collector, Chairman of Local Level Committee constituted under the National Trust for the Welfare of Persons with Autism, Cerebral Palsy Mental Retardation and Multiple Disabilities Act, 1999, Jalna district, Jalna, to issue a disability certificate certifying that Shri Naresh s/o Banarasidas Jindal is having multiple disabilities, and is in a vegetative state.

3. The petitioner contends that such a certificate is required for management of properties of Shri Naresh Jindal, who is admitted in Bombay hospital since 29.9.2012 and is lodged in Intensive Care Unit. Section 13 of the Act of 1999 prescribes constitution of Local Level Committees and as provided under Section 13(2), the Local Level Committee consisting of (a) the District Collector, (b) a representative of a registered organisation; and (c) a person with a disability as defined in clause (f) of Section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996), needs to be set up. It is not a matter of dispute that such a Committee within the contemplation of Section 13 is in place and the District Collector is the Chairman of the Local Level Committee. The petitioner has presented copies of the medical certificates issued by the

Medical Research Center of the Bombay Hospital, and the Bombay Hospital.

4. On perusal of the certificates, it is clear that the patient Shri Naresh s/o Banarasidas Jindal is lodged in Intensive Care Unit of the Bombay Hospital since 2012 and is in a vegetative state. The certificate, as requested by the petitioner, as such, deserves to be granted.

5. The petitioner contends that she tried to tender an application in the proforma prescribed under the National Trust Rules, 2000, however, the application has not even been accepted by the Collector. We are surprised to note that, how the Collector can refuse to accept even the application. In fact, it is his responsibility as a Chairman of the Committee to entertain such an application and issue necessary orders. The petitioner contends that the Collector is insisting upon production of Shri Naresh Jindal before the Civil Surgeon so as to verify whether the person is suffering from disability. We do not find any reason for such insistence by the Collector, and he could have very well acted upon the medical certificates issued in the case of Shri Naresh Jindal, and if he had any doubt as regards genuineness of the certificates, it was open for

him to get himself satisfied by making enquiries with management of Bombay Hospital. However, refusal on the part of the Collector to accept the application, in our view, is not proper.

6. In the facts and circumstances of this case, we permit the petitioner to tender an application in the prescribed form within a period of one week from today, together with certificates issued by the Bombay Hospital / Medical Research Center of the Bombay Hospital. The petitioner shall also tender an affidavit reiterating his contentions that the patient is admitted in the Bombay hospital and is in a vegetative state.

The Collector, on receipt of the application, and the affidavit of the petitioner, shall issue necessary certificate in the prescribed form as expeditiously as possible, preferably within a period of two weeks from the date of receipt of the application.

With the direction as above, the writ petition is disposed of. Rule is made absolute accordingly. No order as to costs.

(P.R. BORA, J.)

(R. M. BORDE, J.)

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WRIT PETITION NO.5922 of 2015

Date of decision: 23/7/2015

For approval and signature

HON'BLE MR.JUSTICE R.M.BORDE

HON'BLE MR.JUSTICE P.R.BORA

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| 1. Whether the Reporters of Local Papers may be allowed to see the Judgment ? | Yes |
| 2. To be referred to the Reporter or not ? | Yes/No |
| 3. Whether Their Lordships wish to see the fair copy of the Judgment ? | No. |
| 4. Whether this case involves a substantial? question of law as to the interpretation of the Constitution of India, 1950, or any order made thereunder ? | No. |
| 5. Whether it is to be circulated to the Civil Judges ? | No. |
| 6. Whether the case involves an important question of law and whether a copy of the Order should be sent to Bombay, Goa and Nagpur Office ? | No |

Private Secretary
AGP/5922-15wp