

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7671 OF 2015

PRASHANT BABASAHEB GHADGE THROUGH NEXT FRIEND FATHER
BABASAHEB AMRUSHI GHADGE
VERSUS
THE UNION OF INDIA AND OTHERS

...
Advocate for Petitioner : Mr. Jadhavar Shivprasad G.
ASG for Respondent No.1: Mr. S.B. Deshpande
Advocate for Respondent No.4 : Mr. P.P. More
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**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATED : 28th JULY, 2015

P.C. :-

1. Mr. Jadhavar, the learned counsel for the petitioner states that the disability certificate issued in form 5 regarding rejection of application of disability certificate does not spell out any reason. The petitioner is examined by the Civil Surgeon, Osmanabad who has specifically opined that the petitioner does not have perfect reflection in the right eye. The private eye institute has also opined the same aspect. However, the Medical Board of the Social Justice and Special Assistance Department has not given any reason while intimating rejection of application for disability certificate. The petitioner is seeking admission to Navodaya Vidyalaya from the persons with disability category.

2. Mr. Deshpande, the learned A.S.G. submits that the respondents would be guided by the certificate issued by the Medical Board and Medical Board who had examined the petitioner has rejected the application for disability certificate and has specifically stated that the disability vision impairment certificate cannot be given.

3. We have also heard the learned A.G.P.

4. This Court is not an expert and would certainly not sit in appeal over the certificate issued by the experts. We have gone through the report of the Medical Board wherein the intimation is given to the petitioner of rejection of application for disability certificate. The said Board comprises of Civil Surgeon, R.M.O. and Ophthalmic Surgeon. The reasons are not given in the said order as to for what reason it is not possible to issue the disability certificate in favour of the petitioner. Of course, we would not blindly rely upon the certificate issued by the private hospital. In the said order of the Board, it is stated that in case the petitioner is aggrieved by the rejection of his application, he may represent for review of the decision.

5. As no reasons are given in the said communication, rejecting the application for issuance of disability certificate for visual

impairment, we direct the said Board to re-examine the petitioner and take decision about whether the disability visual impairment certificate can be issued to the petitioner.

6. In the light of above, we pass the following order:-

O R D E R

- I. The Board, which had issued intimation of rejection of the application for disability certificate under Rule 4 (page 22) shall re-examine the petitioner preferably before 31.7.2015 and shall take decision as to whether the visual impairment disability certificate can be issued to be petitioner and the same be communicated to the petitioner.
- II. The learned A.G.P. shall communicate this order to the concerned Board so that the petitioner is re-examined on 31.7.2015 considering the fact that the last date for admission is 6.8.2015.
- III. Writ petition is accordingly disposed of. No costs.

7. The parties to act on authenticated copy of this order.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

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