

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 6602 OF 2015

Sharad Tejram Sonwane

-vs-

State of Maharashtra, thr. Secretary, For Public Health Deptt. and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Petitioner in person.

CORAM : SMT. VASANTI A. NAIK &
PRASANNA. B. VARALE, JJ.

DATE : 08.12.2015.

By this petition, the petitioner seeks a direction to the Civil Surgeon, Amravati to issue a disability certificate, showing the correct disability in respect of the locomotor disability, suffered by the petitioner. The petitioner has also claimed damages to the tune of Rs.77,76,800/- for not issuing the correct certificate in favour of the petitioner.

The petitioner had approached this Court in 2012 by filing Writ Petition No.875 of 2012, seeking a direction to the concerned authority to issue a disability certificate to the petitioner, in accordance with the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. This Court has disposed of the writ petition by granting liberty to the petitioner to approach the Commissioner for Persons with Disabilities. It appears that the Commissioner has, by an order, dated 19/06/2013, partly allowed the application filed by the petitioner and directed the District Civil Surgeon to medically examine the petitioner and grant the certificate. It is the case of the petitioner that the Board of Medical Practitioners have not examined the petitioner correctly and have not recorded the

correct percentage of disability. It is stated that though the petitioner is suffering from disability to the extent of more than 40%, the Board has wrongly recorded that the petitioner suffers from 20% disability. It is stated that the petitioner is 44 years of age and if a certificate, showing more than 40% disability, is not issued to the petitioner, the petitioner would not be entitled to secure a job. In this background, the petitioner has sought the aforesaid relief.

The relief sought by the petitioner cannot be granted, in exercise of the writ jurisdiction. The petitioner was duly examined by the Board of Medical Practitioners and the Board has issued a certificate showing the percentage of disability of the petitioner to the extent of 20%. It would not be for this Court to determine what is the extent of the disability suffered by the petitioner. If the petitioner is of the view that the certificate does not disclose the actual disability suffered by the petitioner, the petitioner is free to avail appropriate proceedings. Merely because the petitioner is desirous of securing a job at the age of 44 years and the upper age limit is 45, this Court would not quash and set aside the certificate issued by the authority and direct the authority to issue a certificate to the petitioner showing the percentage of disability to the extent of 40% or more. The question of assessment of damages would not arise in the circumstances of the case. The petitioner is, however, free to agitate his grievance before the appropriate forum.

In the result, the writ petition fails and is dismissed with no order as to costs.

JUDGE

JUDGE