

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION NO.23309 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to issue writ of mandamus declaring the inaction of the 5th respondent in giving necessary guidance for assessing and examination of disability of the petitioner to the staff of Software for Assessment of Disabled for Access Rehabilitation and Empowerment (SADARM), District Headquarters Hospital, Chittoor by incorporating the name of the petitioner in the database maintained by SADARM as requested by the 4th respondent, vide Rc.No.542/A7/MS/DHH/CTR/2016, dated 12-04-2016 is illegal and arbitrary and consequently direct the 5th respondent to give necessary guidance to the staff for issuance of disability certificate to the petitioner.

2. Learned counsel for the petitioner submitted that up to October, 2014, the petitioner was benefited under the Social Security Pension Scheme. The case of the petitioner is that he is a physically handicapped person and therefore, he is entitled to claim pension. The petitioner along with others appeared before the Medical Superintendent, District Headquarters Hospital, Chittoor to get disability certificate. The Medical Superintendent, District Headquarters Hospital, Chittoor, examined the petitioner. But, he could not give the disability certificate to the petitioner due to non-accepting of the information by the Computer System. Immediately on 12-04-2016, Medical Superintendent, District Headquarters Hospital, Chittoor, addressed a letter to the 5th respondent. For proper appreciation of the contention of the learned counsel for the petitioner, it is not out of place to extract the relevant portion of the letter, which reads thus:

“Further, I am to inform that the Certificates for person with disability was already issued to the said individuals on 01-07-2010 & 23-05-2011 by the Medical Board of Area Hospital, Madanapalle. Now for the re-examination to the individuals for giving disability certificates, the computer system is not accepting the same individuals.

Hence, I request you to kindly issue necessary guidance for

assessing and re-examination the Certificate for person with disability of the individuals to the SADARAM staff of Dist.Hqrs.Hospital, Chittoor for issue of disability certificate at an early date.”

3. A perusal of the above letter reveals that the petitioner would not get the disability certificate unless SADARM staff takes appropriate steps for issuance of certificate, who are under the control of the 5th respondent.

4. Having regard to the facts and circumstances of the case, the 5th respondent is hereby directed to take appropriate steps for issuance of disability certificate to the petitioner as early as possible.

5. Accordingly, the Writ Petition is disposed of. No order as to costs. Miscellaneous petitions, if any pending, in this Writ Petition shall stand closed.

T.SUNIL CHOWDARY, J

DATED:19-07-2016.

Hsd