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

+ LPA 31/2016

ANJULIKA

..... Appellant

Through: Mr.Avadh Kaushik, Advocate

versus

GOVT OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr.Himanshu Gupta, proxy counsel
for Mr.Anuj Aggarwal, ASC with
Ms.Manju Goel (DOE) for R-1
Mr.Sujoy Kumar, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

% **03.02.2016**

1. The appellant has impugned order dated 23.12.2015 by which her writ petition was disposed of with a direction that till she obtains a conclusive medical certificate from the Neurological Department of the Hospital specified regarding her treatment and fitness with respect to the seizures she has a history of experiencing, the respondent school where she works is not obliged to allow her to report for duties.

2. The appellant had approached this Court in the writ petition contending that the second respondent, a Government aided school, had not permitted her to join her duties. The school's explanation was that this course was necessitated on account of having to seek assistance when she fell down unconscious during the course of

school hours while she was performing her duties. The appellant's (there the petitioner's) contention was that without an appropriate appraisal of her condition, the respondent could not prevent her from discharging her duties. The learned Single Judge disposed of the writ petition in the following terms:

“In the facts and circumstances of this case, it is deemed appropriate to direct that impugned order (Annexure P-1) be kept in abeyance for a period of four weeks to enable second respondent to obtain conclusive Medical Certificate from Neurological Department of G.B.Pant Hospital, Delhi regarding treatment and fitness in respect of seizure, as she is said to be having history of seizures. Let second respondent be apprised of this order forthwith.”

3. This Court has considered the submission of the parties. Apparently, the appellant was examined by a medical board on 08.04.2015. The Board prima facie found her medically fit and added a caveat *“due to alleged history of seizure she is advised to attend neurology OPD at G.B.Pant Hospital for further investigation and treatment”*. The appellant has apparently sought the appointment. The appellant's contention is that though she went to the hospital referred i.e. Guru Tek Bahadur (GTB) Hospital, on 30.04.2015, the treatment is one which entails a long drawn procedure; hence, appropriate directions are necessary.

4. This Court is of the opinion that the use of expression *“conclusive medical certificate”* is a misnomer in the circumstances. The condition which the appellant is allegedly suffering from, may be severe or mild; however, there is no doubt that concerned medical

attention is necessary if the condition really does exist. In other words, it is only for a neurologist to certify after examination, that the appellant can be allowed to perform her duties having regard to her condition. That certificate of fitness shall state whether she may be allowed to join her duties, and whether she may have to undergo treatment for short or long period. It must also state that depending upon the treatment that she must undergo, that it would not be a concern of the management. The impugned order is hence modified. It is open to the appellant to have herself examined by the Neurologist of the GTB Hospital or Ram Manohar Lohia Hospital as the case may be. The examining specialist shall clearly state in her or his opinion whether the appellant can be allowed to resume her duties. Such certificate shall be issued. The authorities of GTB Hospital or Ram Manohar Lohia Hospital as the case may be, shall ensure that the certificate is issued within eight weeks from today.

5. The appeal is disposed of in the above terms.

Dasti.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

FEBRUARY 03, 2016

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