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

+ W.P.(C) 7745/2016, CM APPL. 31974/2016 (Interim Direction) and
CM APPL. 31975/2016 (Exemption)

ANUPAM SHARMA

..... Petitioner

Through: Mr. Vivek B. Saharya, Adv.

versus

ALL INDIA INSTITUTE OF MEDICAL
SCIENCES AND ANR

..... Respondents

Through: Mr. R.K. Gupta, Adv. for R-1.

Mr. Vikash Mahajan, CGSC with Mr. Sushil
Kumar Pandey and S.S. Rai, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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05.09.2016

CM No. 31975/2016 (Exemption)

Allowed subject to all just exceptions.

WP(C) 7745/2016 & CM No. 31974/2016 (interim direction)

It is the petitioner's case that he suffers from Dyslexia. According to the certificate issued by the Institute of Human Behaviour and Allied Sciences (IHBAS) the petitioner suffers from Physio-Social Disability, which is diagnosed as a specific learning disability in writing, with moderate severity. His condition is stated to be non-progressive and is graded as moderate, therefore, he should be considered for benefits in public employment available under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (in short the PWD Act).

The petitioner had appeared in the entrance test for MBBS course at the All India Institute of Medical Sciences (AIIMS). In view of the aforesaid certificate from the IHBAS as well as in terms of OM dated 26.02.2013 issued by the Ministry of Social Justice & Empowerment, Department of Disability Affairs, (Clauses I, II and XI and para 2), he was supposed to be given extra time for writing his examination since he did not take assistance of an external writer. The learned counsel for the petitioner submits that since this facilitation was not extended to him he was disadvantaged in writing the examination. Nevertheless, the learned counsel for the petitioner submits that without prejudice to his rights to contest the denial of the said aforesaid guarantee, benefit and facilitation to a person with disability that the petitioner has a right to be considered in the next round of counselling which is due tomorrow and on 27.09.2016 on the basis of the marks scored by him and considering the exigency apropos the limited time regarding the counselling session, the learned counsel for the petitioner requests that one seat be directed to be reserved for the petitioner.

He further submits that of the 627 seats/vacancies, 3% under the PWD Act would mean that 20 seats would have to be reserved for disabled persons under various categories of disabilities. He submits that the petitioner would fall in one of the classes of disability, for the benefit he seeks.

At this stage, upon instructions, the learned counsel for respondent no.1 submits that the petitioner has not approached the statutory authority under the Act for the relief sought in this petition.

The learned counsel for the petitioner submits upon instructions, that this petition be directed to be treated by the Competent Authority (AIIMS) as a representation.

Accordingly, the petition is directed to be treated as a representation by the Competent Authority who shall dispose it off within two weeks by a reasoned order.

The petition is disposed off in the above terms.

Dasti under the signature of the Court Master.

NAJMI WAZIRI, J

SEPTEMBER 05, 2016/kk/acm