

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

Date of Decision: October 30, 2017

+ **W.P.(C) 9515/2017**

ANUPAM GUPTA

..... Petitioner

Through: Mr. Firoze Ahmed Khan, Advocate

Versus

THE STATE (GOVT. OF NCT OF DELHI) & ORS. Respondents

Through: Mr. Rajat Malhotra & Mr. Sunil
Malhotra, Advocates

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT

ORAL

1. Vide advertisement of 20th May, 2017, Delhi State Legal Services Authority had invited applications from acid attack victims for their rehabilitation under the Victim Compensation Scheme, 2011, which was replaced by Delhi Victims Compensation Scheme, 2015. The vacancies advertised of Lower Divisional Clerk (LDC) were 12 in number. The petitioner claims to be an acid attack victim and she is said to have applied for the post of Lower Divisional Clerk in pursuance to the above advertisement on the basis of Medical Certificate of 12th April, 2017 (*Annexure P-3*) issued by Dr. Kalpana V. Ramani, CDMO and Dr. Mahesh, Medical Officer, North District, who had opined that petitioner is a victim of acid attack and she has suffered acid burns with intensity of

less than 50%. Since the medical opinion (*Annexure P-3*) was not categorical, therefore, petitioner had approached this Court by way of W.P.(C) 5894/2017, *Anupam Gupta Vs. The State (Govt. of NCT of Delhi) & ors.*, which was disposed of on 17th July, 2017 directing Lok Nayak Jai Prakash Hospital (LNJP Hospital) to issue the necessary certificate within two weeks. In pursuance thereto, LNJP Hospital had issued a certificate on 20th September, 2017, whose true copy has been placed on record by petitioner, which reveals that petitioner had suffered 3% acid burn injuries with no disability.

2. In this petition, the grievance of petitioner is that the impugned certificate of 20th September, 2017 issued by LNJP Hospital is not accurate, as it does not reflect the definite acid burn percentage and she alleges bias against the doctors of LNJP Hospital.

3. Learned counsel for petitioner submits that in view of medical opinion, as contained in Annexure P-3 and Certificate of 20th September, 2017 issued by LNJP Hospital, petitioner is required to be examined by a medical board of a different hospital so that the correct percentage of burns suffered by petitioner comes on record to support her candidature to the post of LDC on compassionate ground.

4. During the course of hearing, petitioner was called upon to produce the MLC of the date when petitioner was first examined. A bare perusal of photocopy of petitioner's MLC of 14th April, 2014 now placed on record, reveals that petitioner had suffered multiple superficial burn injuries on face, upper chest etc.

5. In such a situation, although there is no basis to doubt the medical opinion rendered by LNJP Hospital of petitioner suffering 3% burn

injuries, but in view of the fact that another medical opinion rendered by doctors (*though not experts*), as contained in Annexure P-3, is not categorical, does make out a case to get petitioner examined from a Medical Board of a different hospital.

6. In view of peculiar facts and circumstances of this case, while making it clear that any order passed herein shall not be treated as a precedent, this petition is disposed of while directing Medical Superintendent of Ram Manohar Lohia Hospital (RML Hospital), New Delhi to get a Medical Board constituted for examination of petitioner, preferably within three days of this order. The petitioner shall appear before the Medical Superintendent on 7th November, 2017 at 01:00 p.m. so that her medical examination is facilitated on the said date by the Medical Board so constituted and medical opinion be made available to the petitioner on or before 10th November, 2017 by 04:00 p.m. It is expected that Medical Superintendent of Ram Manohar Lohia Hospital shall make all endeavours to adhere to the schedule, as indicated above.

7. The petition is accordingly disposed of.

8. Copy of this order be given dasti under the signatures of the Court Master to both the sides.

SUNIL GAUR
(JUDGE)

OCTOBER 30, 2017

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