

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**BENCH AT AURANGABAD**

**WRIT PETITION NO. 2186 OF 2003**

The Additional Registrar,  
Through High Court of Judicature at Bombay,  
Bench at Aurangabad .. **Petitioner**  
**Versus**  
The State of Maharashtra and others .. **Respondents**

**WITH**  
**CIVIL APPLICATION NO. 16066 OF 2015**

Mr. Uday Bopshetty, Advocate for the Petitioner.  
Mr. S. B. Joshi, A.G.P. for Respondent Nos. 1, 3  
to 8.  
Mr. Ravindra B. Ade, Advocate for the Applicant.

**CORAM: S. V. GANGAPURWALA &**  
**R. G. AVACHAT, JJ.**

**DATE: 07<sup>th</sup> DECEMBER, 2018**

**PER COURT :**

1. This Court has taken *suo moto* cognizance of the news item in daily 'Sakal' and daily 'Lokmat' relating to difficulties faced by the parents of the mentally challenged children in obtaining certificate of disability as required under the provisions of Persons with Disabilities (Equal

Opportunities, Protection of Rights and Full Participation) Act, 1995. This court took the note of the indifferent and callous approach and attitude of the Authorities of the Government Medical College as narrated in the news item of daily 'Lokmat' dated 12.06.2003 and deliberation in the meeting held in the chamber of Dean, GMC as reported in daily 'Sakal' dated 12.06.2003. Pursuant thereto, the notices are issued by this Court. At the time the proper petition was filed, the provisions of the Act-1995 were in force. Now, the said Act is amended and the Act of 2016 is in force. It was observed that the Authorities were complacent in implementation of the provisions of the enactments i.e. the 2016 Act, so also the Rehabilitation Council of India Act, 1992 and the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 and Rules 2000.

2. The State has filed affidavit in the year – 2015. In the affidavit it has been stated that

presently arrangement has been made to utilize the Clinical Psychologist available with Education Department to work at Government Medical College and Hospital, Aurangabad. It is further stated that the post of Professor in Psychiatry has been filled in. Supporting staff, departmental infrastructure is also available and the process of securing Post Graduation in Psychiatry is in pipeline. There are two clinical Psychologists posted from Education Department to work at Government Medical College and Hospital, Aurangabad. There is no pendency at Government Medical College and Hospital, Aurangabad as regards Disability Certificates for mental retardation.

3. The learned A.G.P. has also placed on record the letter received from the Deputy Director of Health Services, Mumbai. It is submitted that as per the Government Resolution dated 06.10.2012, on all District Hospitals and Government Medical Colleges and Hospitals a separate Medical Board

is constituted to issue Disability Certificates. The said board consists of Civil Surgeon / Medical Superintendent / Dean as Chairperson, Residential Medical Officer / Senior Medical Officer as member Secretary and the concerned specialist as member. Such committee is in place in all the District Hospitals, Government Medical College Hospitals.

4. It is further submitted that the Government of Maharashtra started the on-line disability certificate from 03.12.2012. The software is called as SADM (Software Assessment of Disability Maharashtra) and since 03.12.2012 to 29.11.2018 total 1,10,571 applications were received for Mental Retardation Certificates, out of which till 29.11.2018 total 1,03,369 certificates are issued and 7,202 applications are being assessed and the pending certificates are being sorted out and the directions are issued to take effective steps.

5. It is further submitted that the District Hospitals under Public Health Department are

having Psychiatrist either regular or contractual, so also Clinical Psychologist are appointed on contractual basis. The chart to that effect is also given.

6. It has been assured to the Court that necessary steps are taken and are being taken to its logical end.

7. In view of the said statement, the writ petition stands disposed of. No costs.

8. In view of disposal of the writ petition, the civil application also stands disposed of.

**[R. G. AVACHAT, J.]      [S. V. GANGAPURWALA, J.]**

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