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

+ **LPA 51/2019, CM No. 3665/2019 & CM No. 3667/2019**

ALL INDIA INSTITUTE OF MEDICAL SCIENCES & ANR.... Appellants

Through: Mr. V.S.R. Krishna, Advocate.

versus

YASMEEN MANUSREE & ANR.

..... Respondents

Through: Mr. Chiranjiv Kumar, Advocate for
UOI.

Mr. M.R. Shamshad, Advocate with
Mr. Aditya Samaddar, Advocate for
Respondent No. 1/Caveator.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

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25.01.2019

CM No. 3666/2019 (exemption)

1. Exemption allowed, subject to all just exceptions.

Cav. 79/2019

2. Since the learned counsel for the Respondent enters into appearance, the
Cav. 79/2019 stands discharged.

LPA 51/2019, CM No. 3665/2019 & CM No. 3667/2019

3. This appeal is directed against two orders of the learned Single Judge
dated 23rd October, 2018 and 12th December, 2018 in Writ Petition (Civil)

11456/2018. By the second impugned order dated 12th December, 2018, the learned Single Judge rejected an application filed by the present Appellant seeking modification of the earlier order dated 23rd October, 2018.

4. The Respondent, who suffered an acid attack in 2004, succeeded despite the odds in getting a diploma in General Nursing and Midwifery from Ruffaida College of Nursing, Jamia Hamdard University in the year 2014. She has since been working as a nurse in different hospitals. The Respondent challenged an advertisement dated 13th June, 2018 issued by the present Appellant for the post of Nursing Officer by filing W.P.(C) 6897/2018 on the ground that no reservation had been provided therein for acid attack victims (AAVs) in terms of the Rights of Persons with Disability Act, 2016 (RPD Act).

5. The said writ petition was disposed of on 26th September, 2018 by this Court by directing the present Appellant to take a final decision regarding the case of the Respondent “within three weeks of the issuance of Notification by the Central Government”.

6. Without waiting for a decision to be taken by the Central Government on issuing a notification under the RPD Act *qua* AAVs, the Appellant has issued another advertisement again without providing for any reservation for AAVs. This led to the Respondent again having to approach this Court with Writ Petition (Civil) 11456/2018.

7. It is in the above circumstances that the learned Single Judge passed an

interim order on 23rd October, 2018 directing that till further orders, the impugned advertisement should not be given effect to.

8. Learned counsel for the Appellant states that pursuant to the impugned order dated 23rd October, 2018, the Appellant has postponed the date of examination for the selection to be conducted pursuant to the advertisement. He offers that one post may be kept vacant for the Respondent instead of the entire advertisement and the applications of every other candidate who applied being kept on hold during the pendency of these proceedings.

9. If this was the first occasion, the Court would have been inclined to consider the request made by learned counsel for the Appellant. However, as has already been noted, on 26th September, 2018 itself, this Court had issued detailed directions for the Central Government to issue a proper notification recognizing AAVs as being entitled to reservation in terms of RPD Act, 2016. That judgment has attained finality with no appeal having been filed against it. There was sufficient time for the Central Government, and the Appellant thereafter, to have complied with the said order and for the Appellant to have issued the advertisement only after such notification was issued.

10. Learned counsel for the Respondent points out that the plea of the Appellant that it is not in a position to provide the aforementioned reservation for AAVs is not convincing. He has placed before the Court copies of the advertisement issued by the Banaras Hindu University as recently as yesterday inviting applications for the post of Nursing Officer

where 'AAV' reservation is provided for.

11. Accordingly, for the reasons mentioned above, the appeal and the pending applications are dismissed.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

JANUARY 25, 2019

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