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

+ W.P.(C) 4233/2020

ANHAD KAUR

..... Petitioner

Through Mr.Gagan Kumar, Mr.Rohit Sharma
and Mr.Amit Kaushik, Advs.

versus

UNIVERSITY OF DELHI

..... Respondent

Through Mr.Mohinder J.S.Rupal, Standing
Counsel with Mr.Hardik Rupal, Adv.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **17.07.2020**

1. This hearing is conducted through video conferencing.
2. This writ petition is filed by the petitioner seeking an appropriate direction to the respondent to allow provisional admission to the petitioner on the basis of Disability Certificate dated 18.11.2019 from a private hospital, which was accepted by Central Board of Secondary Education (*hereinafter referred to as the 'CBSE'*).
3. The case of the petitioner is that the petitioner is a 'Divyang child' and has been certified as a person with greater than 40% Specific Learning Disability in November, 2019. The petitioner was granted appropriate concession for Class 12th Examination of CBSE. The petitioner has applied for admission to the graduate courses of Delhi University and is seeking reservations under the Rights of Persons with Disability Act, 2016(*in short the 'RPD Act, 2016'*).
4. The matter was listed yesterday and was adjourned to today as the learned counsel appearing for the respondent/University of Delhi had sought

some time to take instructions.

5. Today, learned counsel for the petitioner has stated that the Certifying Authorities in question to grant a certificate are defined in the Notification of Ministry of Social Justice & Empowerment, Government of India. As per the said notification, certificates issued by private hospitals are not valid for providing entitlements and benefits applicable under the RPD Act, 2016. Hence, it is stated that as the provisions do not recognize private hospitals as Certifying Authorities for Disability Certificates for the purpose of entitlements under the RPD Act, 2016 in Delhi University, the request of the petitioner cannot be accepted.

6. Learned counsel for the respondent/University of Delhi however very fairly submits that the petitioner may apply for the appropriate courses based on the certificate which she has presently got. However, at the time of finalising the admission, the petitioner would be obliged to produce a certificate which is in compliance with the above noted provisions i.e. a Disability Certificate from an appropriate Government Hospital.

7. Learned counsel for the petitioner confirms that the petitioner has applied for Disability Certificate to AIIMS and Deen Dayal Upadhyay Hospital. He submits that the problem with following up with certificate is on account of the present Covid-19 pandemic.

8. Let the petitioner apply for the concerned seat based on the certificate, which is presently available with the petitioner. This is subject to the petitioner furnishing the certificate in terms of the above noted provisions stated by the Delhi University at the time of admission.

9. The concerned Government Hospitals, namely, AIIMS and Deen Dayal Upadhyay are requested to expeditiously deal with the application of

the petitioner. In case, there is some difficulty experienced, liberty is granted to the petitioner to approach this court again at that stage.

10. Nothing further survives in this petition. The petition is accordingly disposed of.

JAYANT NATH, J.

JULY 17, 2020/v