

123

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-19007-2023

Date of Decision:05.12.2023

VIREN RATHEE

..... Petitioner

*Versus***STATE OF HARYANA AND OTHERS**

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. B.S. Beniwal, Advocate
for the petitioner.

Mr. Raman Sharma, Addl. AG, Haryana.

JAGMOHAN BANSAL, J. (Oral)

1. Reply by way of affidavit dated 05.12.2023 of Dr. Jai Kishore, Civil Surgeon, Sonipat filed on behalf of respondent No.3 is taken on record. Registry is directed to tag the same at an appropriate place.

2. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondent to issue disability certificate in terms of notification dated 04.01.2018 (Annexure P-12).

3. The petitioner is claiming that he is having 40% Visual Impairment in his both eyes and it is likely to worsen. The petitioner has cleared Combined Higher Secondary Level Examination (for short 'C.H.S.L'). The petitioner needs disability certificate so that he may claim his candidature under 'Person With Disability' category. The petitioner has been subjected to medical examination by different hospitals, however, he has not been issued final certificate on account of objection raised by respondent authorities.

4. Learned counsel for the respondents submits that letter dated

07.06.2023 was addressed to Director, AIIMS with a request to conduct Laser Interferometry, OCT, VEP and Malingering test to ascertain disability of the petitioner. The respondent received communication from AIIMS whereby 01.08.2023 was fixed for examination of the petitioner. The respondent received said letter on 07.08.2023, thus, respondent vide letter dated 28.08.2023 requested Director AIIMS, to re-schedule date of examination of the petitioner.

5. Concededly, the petitioner till date has not been examined by a Board of doctors of AIIMS. As per respondent, the visual disability of a candidate can be determined only after conducting Laser Interferometry, OCT, VEP and Malingering test because any person can refuse to read and claim visual disability.

6. Without commenting upon merits of the case and to resolve the issue, the Director, PGI, Chandigarh is requested to constitute a Board of doctors to conduct Laser Interferometry, OCT, VEP and Malingering test of the petitioner. The petitioner shall appear before Director, PGI, Chandigarh on 11.12.2023 at 10:00 A.M. The respondent shall be represented by Dr. Susheel, Medical Officer before Director, PGI, Chandigarh. If the petitioner fails to appear on the said date, the respondent shall not be responsible for the lapse.

7. Disposed of in the above terms.

(JAGMOHAN BANSAL)

JUDGE

05.12.2023

Ali

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>