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

+ **W.P.(C) 3246/2024 & CM APPL. 13387/2024 & CM APPL. 15358/2024**

SHREYUS SUKHIJA

.....Petitioner

Through: Mr. Rahul Bajaj, Ms. Sanchita Ain,
Mr. Habib Muzaffar, Mr. Taha Bin
Tasneem and Mr. Amar Jain,
Advocates.

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Mr. Tanveer Ahmed Ansari, Senior
Panel Counsel for R-1/ UOI.
Mr. V.S.R. Krishna and Mr. V.
Shashank Kumar, Advocates for R-2/
AIIMS.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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30.07.2024

1. The present writ petition has been filed by the Petitioner, seeking the following prayers:

“A. *Issue an appropriate direction, writ or order, including one directing Respondent No. 2 to conduct forthwith a formal assessment of the petitioner’s disability, to ascertain his eligibility for a disability certificate and UDID card and consequential entitlements, if any;*

B *Issue an appropriate direction, writ or order, including one directing Respondent No. 1 to issue a circular/letter to Respondent no. 2 and all institutions that are authorized to issue a disability certification, setting out the legal framework and practical modalities for the disability assessment of persons with mental illnesses;*



- C. *Issue an appropriate direction, writ or order, including one directing Respondent No. 1 to conduct a sensitization workshop for the staff of Respondent No. 2, with respect to the challenges faced by persons with mental illnesses and other invisible disabilities in seeking disability certification and accessing the rights and entitlements set forth in the Act; and*
- D. *Award a compensation of Rs. 5,00,000 to the Petitioner for the mental pain and agony suffered by him due to Respondent No. 2's callous and insensitive attitude;*
- E. *Award the cost of this litigation, quantified at Rs. 1,00,000 to the Petitioner;"*

2. During the pendency of the present proceedings, Mr. Tanveer Ahmed Ansari, counsel for Respondent No. 1 submitted that pursuant to this Court's directions issued on 11th March, 2024 read with the order dated 13th March, 2024 passed in the present petition, the Department of Psychiatric, Dr. Ram Manohar Lohia Hospital has examined the Petitioner and issued a disability certificate. A copy thereof has been furnished to the Court during the course of proceedings. Let an accessible copy of the said certificate also be provided to Petitioner's counsel.

3. In light of the above, in so far as the first prayer of the present writ petition is concerned, the same stands redressed. If the Petitioner is aggrieved by the assessment made in the said disability certificate, the Petitioner shall be free to take recourse to appropriate remedies, as are available in law.

4. Regarding the Petitioner's requests for systemic changes through circulars and sensitization programs (Prayers B and C), these issues raise broader policy considerations that may be more suitably addressed under the public interest jurisdiction of this Court. Consequently, the Petitioner is granted the liberty to initiate a public interest litigation (PIL) if so advised, where these broader systemic issues can be more appropriately deliberated



and directed.

5. As to the claims for compensation for mental pain and agony and the costs of litigation (Prayers D and E), the Court acknowledges the challenges faced by the Petitioner. However, the relief sought in terms of monetary compensation and litigation costs requires a thorough examination of direct causative linkages and liabilities which are not substantively evident from the record before this Court. Furthermore, compensation and costs in such contexts are governed by evidentiary standards that are not sufficiently met in the current proceedings. Thus, the Court is not inclined to award these reliefs under the present facts and circumstances.

6. With the above directions, the present petition is disposed of, along with pending application(s), with liberty as aforesaid.

SANJEEV NARULA, J

JULY 30, 2024
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