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

+ W.P.(C) 7634/2024

DR. SATENDRA SINGH

..... Petitioner

Through: Mr.Mayank Sapra with Ms.Karuvaki
Mohanty, Ms.Shrutika Pandey and
Ms.Lalima Das, Advocates.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Ms.Monika Arora, CGSC with
Ms.Subhrodeep Saha and Ms.Priya
Singh, Advocates for UOI.
Mr.Sanjay Khanna with Ms.Pragya
Bhushan, Mr.Karandeep Singh and
Mr.Tarandeep Singh, Advocates for
National Testing Agency.

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Date of Decision: 28th May, 2024

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

JUDGMENT

MANMOHAN, ACJ : (ORAL)

1. Present public interest petition has been filed challenging Clause 8 under 'Admission Terms and Conditions' of the Indian Nursing Council (Revised) Regulations and Curriculum for B.Sc. (Nursing Program) Regulations, 2020. The petitioner further seeks issuance of directions to respondents to formulate new nursing regulations to accommodate reservation for all persons with disabilities as identified by The Rights of Persons with Disabilities Act, 2016 and to invite comments from the general public at large before notifying the amended nursing regulations, so as to afford an opportunity to Persons with Disabilities to give their views on the same.

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2. Learned counsel for the petitioner states that Clause 8 envisages reservation for disabled candidates with a disability of loco-motor to the tune of 40% to 50% of the lower extremity only. He states that the impugned Clause excludes Persons with Disabilities having other disabilities such as Muscular Dystrophy, Dwarfism, Acid Attack Victims, Low Vision, Hearing Impairment, Speech Disability, Intellectual Disability etc.

3. He submits that the impugned Clause tantamounts to discrimination on the ground of disability, without any proportionate means of achieving a legitimate aim and has the effect of discrimination amongst the Persons with Disabilities on the basis of the nature of their disability.

4. He states that restricting the eligibility criteria for pursuing B.Sc (Nursing) and B.Sc (Hons.) nursing course deprives a significant number of candidates other than candidates with disability of loco-motor to the tune of 40% to 50% of the lower extremity from even applying for the nursing course. Such a clause, according to him, goes against the objects and reasons of the Rights of Persons with Disabilities Act, 2016. Such a clause also affects the job prospects of Persons with Disabilities other than candidates with disability of loco-motor to the tune of 40% to 50% of lower-extremity, as artificial fetters are being placed at the stage of admission itself, thereby significantly reducing the chances of being suitably employed.

5. He points out that respondent no.4-National Testing Agency (NTA) vide Public Notice dated 6th August, 2021 for B.Sc. Nursing/B.Sc. (Hons.) nursing course aspirants has reduced the reservation for persons with disabilities from 5% to 3%, in violation of Section 32 of the Rights of Persons with Disabilities Act, 2016. He states that the reservation for candidates with disabilities, 3% disability reservation was to be considered with a disability of loco-motor to the tune of 40% to 50% of the lower



extremity.

6. He states that the unilateral change in the reservation percentage from 5% to 3% is violative of Section 32(1) of the Rights of Persons with Disabilities Act, 2016, besides being in violation of Article 14 of the Constitution of India.

7. Per contra, learned counsel for respondent no.4-NTA, who appears at the pre-notice stage, states that the Public Notice dated 06th August, 2021 has been prepared in accordance with the respondent no.3's guidelines/policy.

8. A perusal of the paper book reveals that the petitioner has made various representations to respondent no.3, which have not been responded till date.

9. Keeping in view the aforesaid, this Court directs the present writ petition to be treated as a representation to respondent no.3, who in turn, is directed to decide the same in accordance with law, as expeditiously as possible preferably within four weeks.

10. With the aforesaid direction, the present writ petition stands disposed of. The rights and contentions of all the parties are left open.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

MAY 28, 2024
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