



\$~65

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

+ W.P.(C) 1493/2025

NAVENDU AGARWAL

.....Petitioner

Through: Mr. Vivek Kumar Tandon, Ms. Mamta Tandon, Ms. Perna Tandon and Ms. Shivani Ghosh, Advs.
In person (through v/c)

versus

DEEN DAYAL UPADHYAY HOSPITAL & ANR.Respondents

Through: Mr. Neeraj, SPC, Mr. Vedansh Anand, GP, Mr. Sachin Saraswat and Mr. Soumyadip Chakraborty, Advs. for UOI.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

% **11.02.2025**

CM APPL.7419/2025 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 1493/2025

3. The present petition has been filed by the petitioner seeking that the respondents be directed to issue a permanent disability certificate (for 100% disability) to the petitioner, given his medical condition.
4. It is the contention of the petitioner that a disability certificate is mandatorily required to be issued in view of the provisions of the Rights of Persons with Disabilities Act, 2016 and the Rights of Persons with Disabilities Rules, 2017.
5. It is pointed out that the petitioner has been suffering from the condition of 'high myopia' since his childhood and as a result of which, has severe visual disabilities. The petitioner is stated to have undergone various medical /



surgical procedures, despite which, the vision of the petitioner has deteriorating considerably with passage of time.

6. The petitioner is aggrieved by the fact that, in a survey/ medical examination conducted by the Deen Dayal Upadhyay Hospital, the petitioner has been certified to be suffering only from a 'temporary disability' with the remarks that it is likely to improve. This observation has been made despite the fact that the extent of disability was found to be 90%, and there is no cogent basis for concluding that the same is reversible.

7. Learned counsel for the respondent submits that the petitioner has the option to seek reassessment of the findings rendered by the DDU Hospital in the 'Doctor's Diagnosis Sheet' dated 02.12.2024.

8. After some hearing, respective counsel for the parties are in agreement that the petitioner be subjected to examination by a medical board, to be constituted by the All India Institute of Medical Science (AIIMS), to assess the disability of the petitioner. It is further agreed that on the basis of the assessment of the medical board so constituted, the requisite disability certificate be issued to the petitioner. It is directed accordingly.

9. Let a copy of this order be sent to the concerned Medical Superintendent, AIIMS for the purpose of constitution of a medical board. Let the same be done expeditiously and in any event, within a period of three weeks from today.

10. Let the petitioner be examined by the said medical board and the requisite disability certificate be issued to the petitioner on the basis of the said examination.

11. The present petition is disposed of in the above terms.

SACHIN DATTA, J

FEBRUARY 11, 2025/cl