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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

927 WRIT PETITION NO. 1331 OF 2026

Smita Murlidhar Deshpande

VERSUS

The Union Of India Through Secretary And Others

.....

Mr. Avinash D. Aghav, Advocate for Petitioner

Mr. R.S. Wani, AGP for Respondents No.2 to 4

.....

CORAM : SMT. VIBHA KANKANWADI AND
HITEN S. VENEGAVKAR, JJ.

DATE : 05 FEBRUARY, 2026

PER COURT [Per Hiten S. Venegavkar, J.] :-

1. The present petition has been filed for following reliefs:

“B) By issuing appropriate writ, order or directions, in like nature may kindly be direct to the respondent No. 3 to consider and decide the application submitted by the petitioner dated 11.11.2025 in view of the provisions of the Right of Persons with Disabilities Act, 2016 and guidelines prescribed by respondent no.1 by notification dated 12.3.2024 and for that purpose issue necessary orders.

C) By issuing appropriate writ, order or directions may kindly be directed to the respondent no. 3 & 4 to issue the permanent Mental illness Disability Certificate to the petitioner in view of the provisions of the Right of Persons with Disabilities Act, 2016 and guidelines prescribed by respondent no.1 by notification dated 12.3.2024 and for that purpose issue necessary orders.”

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2. The petitioner states that she has been suffering from a mental illness since 2020 and has been diagnosed with Obsessive-Compulsive Disorder (OCD), for which treatment is being taken by her from the doctor since 16.09.2022. As the petitioner is suffering from the said disability, she has been diagnosed with 40% mental disability. Pursuant to Section 58 of the Rights of Persons with Disabilities Act, 2016, the petitioner had applied to the respondent authorities for obtaining a certificate for the said disability. Respondent No.1, by exercising the powers conferred under Section 56 of the Rights of Persons with Disabilities Act, 2016, has already issued guidelines for the evaluation and certification of various disabilities vide notification dated 12.03.2024. Accordingly, the petitioner was subjected to scrutiny of her medical records and a physical examination by the competent authority, and a certificate of disability was issued, mentioning therein that the disability is of a temporary nature, which is valid till 09.10.2027. The petitioner submits that the temporary disability certificate issued by respondent No.4 is contrary to the provisions of the Rights of Persons with Disabilities Act, 2016, and the notification issued by respondent No.1 dated 12.03.2024. Accordingly, the petitioner preferred an application in the nature of a statutory appeal under Section 59 of the said Act with the office of respondent No.3 on 11.11.2025. The said application is still pending adjudication with respondent No.3, and

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therefore, the petitioner has approached this Court under Article 226 of the Constitution of India, seeking a writ of mandamus directing respondent No.3 to decide the said application within a stipulated period.

3. Learned AGP appearing for respondents No.2 to 4, and upon instructions, makes a statement that the application filed by the petitioner pending before respondent No.3 will be decided within a period of six (6) weeks from today. The said statement is taken as an undertaking.

4. We dispose of the writ petition with a direction to Respondent No. 3 to decide the application filed by the petitioner dated 11.11.2025 within a period of six (6) weeks from today.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE