



\$~1 & 2

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 9074/2025, CM APPL. 38607/2025, CM APPL. 45937/2025
& CM APPL. 45969/2025

JERRY LALHRATTHANG BUONGPUIPetitioner

Through: Mr. Raja Choudhary, Mr. Dhruv
Tiwari, Ms. Anushika Mishra and Mr.
Devender, Advocates.

versus

UNION OF INDIA & ORS.Respondents

Through: Mr. Kunal Bhardwaj, SPC with Mr.
Aman Chaubey and Ms. Bhavna
Gupta, Advs.
Mr. Syed Abdul Haseeb, CGSC with
Mr. Muhammad Aamir Khan and Mr.
Syed Abdur Rehman, Advocates for
UOI.

2

+ W.P.(C) 10105/2025, CM APPL. 42109/2025 & CM APPL.
45893/2025

NISA UNNIRAJANPetitioner

Through: Mr. Raja Choudhary, Mr. Dhruv
Tiwari, Ms. Anushika Mishra and Mr.
Devender, Advocates.

versus

UNION OF INDIA & ORS.Respondents

Through: Mr. Puneet Yadav, SPC with Mr.
Vivek Nagar, GP for UOI.
Mr. Kunal Bhardwaj, SPC with Mr.



Aman Chaubey and Ms. Bhavna
Gupta, Advs.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

%

06.04.2026

1. The present writ petitions have been filed seeking the following reliefs:

“1. Issue a writ of mandamus or any other appropriate writ, order or direction directing Respondent Nos. 1 and 2 to forthwith clarify, affirm, and recognize the Petitioner’s legal status as a person with benchmark disability or not, based on valid statutory certification and authoritative medical assessments, and to ensure the protection and enforcement of her fundamental rights guaranteed under Articles 14, 15, 16, 19(1)(g) and 21 of the Constitution of India, including her right to life with dignity, equal opportunity, reasonable accommodation and protection from discrimination.

2. Pass such other and further orders as may be deemed just and proper in the interests of justice, equity, and good conscience in the facts and circumstances of the present case.”

2. The petitioners herein raise an identical grievance that Respondent Nos. 4, 5, and 6 (Safdarjung Hospital, All India Institute of Medical Sciences (“AIIMS”), and Army Hospital (Research & Referral), respectively) have conducted procedurally flawed reassessments of the hearing disability suffered by the petitioners.

3. The petitioners submit that they are holders of government-issued disability certificates attesting to their status as Persons with Benchmark Disabilities (“PwBDs”) under the Rights of Persons with Disabilities Act, 2016 (“RPwD Act”). Section 2(r) of the RPwD Act defines a PwBD as a person with not less than 40% of a specified disability.

4. It is the case of the petitioners that they qualified the Civil Services



Examination in 2024 under the PwBD category. Accordingly, they were directed to undergo medical examination as mandated under the Central Civil Services Examination Rules, 2024 (“**CSE Rules**”). As per the report of the medical examination so conducted at Safdarjung Hospital, the petitioners were found not to meet the minimum disability threshold of 40% as prescribed under Section 2(r) of the RPwD Act.

5. Thereafter, the petitioners preferred an appeal against the report of the said medical examination. Pursuant to the appeal, a reassessment was conducted by a Benchmark Disability Expert Panel (“**BDEP**”) constituted at AIIMS. The report of the reassessment issued by the BDEP confirmed the findings of the Safdarjung Hospital issued in the medical examination. The petitioners filed another appeal and the matter finally reached the Appellate Disability Medical Board (“**ADMB**”) at the Army Hospital (Research & Referral). Even as per the opinion of the ADMB, the petitioners fell short of the 40% minimum threshold, thereby excluding them from eligibility under the PwBD category. In these circumstances, the petitioners have filed the present writ petitions.

6. The petitioners before this Court have raised doubts about the consistency, methodology, and credibility of the procedure followed in the abovesaid medical examination and reassessments. It is the contention of the petitioners that their request for an Auditory Steady State Response (“**ASSR**”) test was not considered. As per the petitioners, an ASSR test gives frequency-specific insights, and is therefore, more accurate than other tests.

7. Upon hearing the petitioner, this Court, *vide* Order dated 24.06.2026, directed that all documents pertaining to the case be transmitted to the



Director of AIIMS and that a note containing the expert opinion be placed before the Court.

8. In deference to the Court directions dated 24.02.2026, AIIMS has submitted a report dated 28.03.2026. The report is extracted as under:

“As per the order dated 24.02.2026 of the Hon'ble High Court of Delhi and in compliance of the specific directions contained in it for AIIMS, New Delhi, all the available documents related to hearing assessment (dated 07.03.2025 and 09.10.2025) of Mr. Jerry Lalthratthang Buongpui and Mrs. Nisa Unnirajan have been reviewed.

Hearing evaluation for adults is performed by Pure Tone Audiometry (PTA) and Speech Audiometry which are dependent on individual's subjective response to sound stimulus. Objective test batteries including Impedance Audiometry, Brain Stem Evoked Response (BERA) and Oto-Acoustic Emission (OAE) which are not individual's response dependent are considered to confirm the findings of PTA and when the subjective tests are unreliable.

In case of discrepancy between the subjective and objective tests, objective tests represent the true picture of the hearing status of the individual. Using appropriate methodology, binaural hearing disability can be calculated accordingly from BERA.

This is documented in the Gazette of India, dated January 5, 2018, Part II-Section 3-Sub-section (ii) (copy enclosed). The Gazette also mentions that Auditory Steady State Response (ASSR) can be considered for hearing assessment in infants and young children.

Hence, based on the above explanations, the binaural hearing disability of Mr. Jerry Lalthratthang Buongpui and Mrs. Nisa Unnirajan estimated on 09.10.2025 are to be considered as the indicator of their binaural hearing disability. The difference between the disability percentage on the two occasions are marginal.”

9. It appears that all available documents related to the assessment of the hearing disability of the petitioners were produced before the expert panel. It has been found by the panel that a hearing evaluation for adults is performed by Pure Tone Audiometry (“PTA”) and Speech Audiometry, which are dependent on the individual’s subjective response to sound stimulus. The report states that objective test batteries including Impedance Audiometry, Brainstem Evoked Response Audiometry (“BERA”), and Oto-Acoustic



Emission (“OAE”), which are not dependent on individual response, are considered to confirm the findings of PTA, and to evaluate hearing status when the subjective tests are unreliable.

10. It is the opinion of the experts that in cases where there exists a discrepancy between the findings in the subjective and objective tests, objective tests represent the true picture of the hearing status of the individual. Using the appropriate methodology, binaural hearing disability can be calculated accordingly with the help of BERA.

11. The expert panel suggests that the binaural hearing disability of the petitioners estimated on 09.10.2025 should be considered as the indicator of their binaural hearing disability. It is further submitted that the difference between the disability percentage on the two occasions have been found to be marginal.

12. In view of the expert opinion, the Court is unable to accede to the request of the petitioners for the assessment of their disability to the extent of 66% or beyond, owing to the assessment dated 09.10.2025.

13. For the aforesaid reasons, the instant petition stands disposed of.

14. The report be placed in the digital record of the Court.

PURUSHAINDR KUMAR KAURAV, J

APRIL 6, 2026/Sh