



2026:DHC:4449



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **W.P.(C) 17303/2022**Date of Decision: **11.05.2026****IN THE MATTER OF:****PRADEEP KUMAR**

.....Petitioner

Through: Mr. Manoj Kumar Srivastwa, Mr.
Akshansh Harsh, Mr. Pawan Kumar,
Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. T. P. Singh, SPC for R-1 to 5.

CORAM:**HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV****JUDGEMENT****PURUSHAINDRA KUMAR KAURAV, J. (ORAL)**

1. The instant petition is for the following reliefs:

"i. issue a Writ of Mandamus or any other Order or Direction in the nature of Mandamus directing the Respondents State to classify and notify inherited disease of the petitioner, "Palmoplantar Keratoderma in the Category of Specified Disability under Section 2(zc) at item no.6 in its Schedule read with Section 2(s) of the Right of Persons with Disabilities Act, 2016,

ii. issue a Writ of Mandamus or any other Order or Direction in the nature of Mandamus directing the Respondent no.6 to issue a Disability Certificate to the petitioner to certify the petitioner as the person with disability under Section 2(s) of the Right of Persons with Disabilities Act, 2016,

a. Pass any other order or directions as this Hon'ble Court may deem fit

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and proper in the facts and circumstances of the case and in the interest of justice.”

2. The petitioner, Pradeep Kumar, is a 32-year-old unemployed youth suffering from a hereditary condition called *Palmoplantar Keratoderma*, which he has inherited from his grandfather and father. The condition leads to absence or dimness of thumb impression. He applied for three computer-based recruitment examinations conducted by the Railway Recruitment Boards at Allahabad in 2016, and Gorakhpur in 2021, 2022. On each occasion, the petitioner was initially not allowed to take the examination as his thumb impression could not be detected by the digital instruments at the examination centre. After much insistence, he was allowed to take the tests after delays of 40 to 55 minutes, which prejudicially affected his performance as he could not attempt all questions within the remaining time. He made a representation dated 01.11.2022 to the respondents requesting them to notify his condition as a disability under the Rights of Persons with Disabilities Act, 2016 (RPwD). Having received no response, he approached this Court.

3. The instant writ petition was last called out on 12.03.2026 and the Court has passed the following directions:

“1. The petition is for directions to the respondents to classify and notify ‘Palmoplantar Keratoderma’ in the category of ‘specified disability’ under Section 2(zc) read with Section 2(s) of the Rights of Persons with Disabilities Act, 2016 (Act) and to issue a Disability Certificate to the petitioner under the Act.

2. According to the petitioner, he suffers from ‘Palmoplantar Keratoderma’ leading to absence of/dim thumb impression. He had sought to write three examinations for posts in the Indian Railways in the years 2021 and 2022. However, on each occasion, the petitioner was initially not allowed to sit for the examination owing to difficulties in affixing his thumb impression. He was allowed to attempt the same, only

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upon strenuous insistence after considerable delays of close to an hour each time, thereby, prejudicially affecting his performance.

3. The petitioner filed application dated 01.11.2022 to the concerned authorities requesting them to notify the 'Palmoplantar Keratoderma' under the provisions of the Act. However, at the time of filing the petition no response thereto was received by the petitioner.

4. The petitioner prays for the aforesaid reliefs on the ground that by virtue of the inaction on the part of the respondents in considering the inclusion of 'Palmoplantar Keratoderma' as a 'Specified Disability' under the Act, his fundamental rights under Articles 14, 16, and 21 of the Constitution of India are violated.

5. In the counter affidavit filed by the Union of India, it has taken the stand that the decision to notify 'Specified Diseases' under the Act is taken by a High Powered Inter Departmental Committee under the Chairmanship of the Secretary Department of Empowerment of Persons with Disabilities.

6. However, it is seen that till date, no decision has been taken on the petitioner's representation dated 01.11.2022.

7. In view thereof, the respondents are directed to file an additional affidavit to justify the same.

8. Accordingly, list on 11.05.2026."

4. In compliance of the Court direction, respondent no. 1 has filed an additional affidavit. Paragraph nos. 5 to 7 of the said affidavit are extracted as under:

"5. That the petitioner who suffers from a medical condition referred to as "Palmoplantar Keratoderma", has approached this Court seeking that the said medical condition be included in the category of "specified disability" under Section 2(zc) of the Rights of Persons with Disabilities Act, 2016 (hereinafter, "RPWD Act").

6. That the captioned matter was listed for hearing on 12.03.2026 wherein the Hon'ble Court observed that in the previous counter affidavit filed by the Union of India, it has taken the stand that the decision to notify 'Specified Diseases' under the Act is taken by a High Powered Inter Departmental Committee under the Chairmanship of the Secretary, DEPwD. The Court further noted that till date, no decision has been taken on the petitioner's representation dated 01.11.2022 and therefore the respondents have been directed to file an additional affidavit to justify the same.

7. That in view of the Hon'ble Court's direction, it is submitted that a meeting of the High-powered Inter-departmental Committee, chaired by the Secretary, DEPwD and comprising members from the Director

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General Health Services, Ministry of Health & Family Welfare, Indian Council of Medical Research, All India Institute of Medical Sciences, Medical Council of India, Department of School Education and Literacy, and Ministry of Women and Child Development, was held on 20 August 2025 to examine various representations on conditions to be included under the RPwD Act, 2016, including the petitioner's medical condition- palmoplantar keratoderma. Regarding palmoplantar keratoderma, the Committee noted that the majority of affected individuals experience only minor physical limitations, while those with more severe limitations would already fall within the ambit of locomotor disability. Accordingly, the Committee recommended that palmoplantar keratoderma not be added as a "specified disability" in the Schedule to the Rights of Persons with Disabilities Act, 2016."

5. It is, thus, seen that on due examination of various diseases, the competent authority i.e., High Powered Inter-Departmental Committee (hereinafter, "the Committee") did not recommend to include any of the medical conditions specified as disability in Schedule II of the RPwD Act.
6. The respondent No. 1, in its additional affidavit, has placed on record the minutes of the meeting of the Committee held on 20 August 2025. The Committee was constituted under the Chairmanship of the Secretary, Department of Empowerment of Persons with Disabilities (DEPwD), Ministry of Social Justice and Empowerment. Its members included technical experts from the Directorate General of Health Services (DGHS), the Indian Council of Medical Research (ICMR), the All India Institute of Medical Sciences (AIIMS), the National Medical Commission, the Department of School Education and Literacy, and the Ministry of Women and Child Development.
7. The Committee is the designated expert body empowered to examine proposals for the inclusion of new medical conditions as specified disabilities under the Schedule to the RPwD Act. Its composition reflects a

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multi-disciplinary approach, combining medical, scientific, and social policy expertise. The Committee's recommendations are based on a thorough examination of the medical literature, the functional limitations caused by the condition, and the existing coverage of such limitations under already recognised disabilities. In the present case, the Committee, decided that *Palmoplantar Keratoderma* disease, not be added as a specified disability, noting that the majority of affected individuals experience only minor physical limitations, and those with more severe limitations would already fall within the ambit of locomotor disability.

8. *Palmoplantar Keratoderma* is a genetic skin disorder characterized by abnormal thickening of the skin on the palms and soles. It is a hereditary condition that can lead to difficulty in forming clear thumb or palm impressions, as experienced by the petitioner.

9. The scope of judicial review under Article 226 of the Constitution of India in matters involving policy decisions by expert bodies is well settled. This Court does not sit in appeal over the decisions of expert committees. Judicial review is confined to examining the decision-making process and not the decision itself, unless the decision is shown to be patently arbitrary, *mala fide*, or violative of statutory provisions.

10. In ***Basavaiah & Anr. v. H.L. Ramesh & Ors.***,¹ the Supreme Court held that “*courts have a very limited role particularly when no mala fide has been alleged against the experts constituting the selection committee. It would normally be prudent, wholesome and safe for the courts to leave the decisions to the academicians and experts. As a matter of principle, the courts should never make an endeavour to sit in appeal over the decisions of*



the experts.”

11. Similarly, in *State of U.P. v. Johri Mal*,² the Court held that a Court cannot substitute its own opinion for that of an expert body unless the decision is illegal or perverse.

12. Applying the above principles to the facts of the present case, this Court finds no ground to interfere with the recommendation of the Committee. The Committee was properly constituted, followed due process, and rendered a reasoned decision based on medical evidence. The petitioner has not shown that the decision was perverse, arbitrary, or illegal. The mere fact that the petitioner disagrees with the outcome does not warrant judicial intervention. Accordingly, the relief sought by the petitioner for a writ of mandamus directing the respondents to classify and notify *Palmoplantar Keratoderma* as a specified disability under Section 2(zc) of the RPwD Act is rejected.

13. However, rejecting the petitioner's prayer under Section 2(zc) does not mean he cannot be recognized as a person with disability under Section 2(s) of the RPwD Act. Section 2(s) defines a person with disability as a person with long-term physical, mental, intellectual or sensory impairment which, in interaction with barriers, hinders his full and effective participation in society equally with others. This definition focuses on how a person's impairment interacts with societal barriers.

14. The Supreme Court in *Vikash Kumar v. Union Public Service Commission*³ has laid down the following principles:

“33. The second concept which is embodied in Section 2(s) is that of a

¹ (2010) 8 SCC 372

² (2004) 4 SCC 714

³ (2021) 5 SCC 370



person with disability. Section 2(s) unlike Section 2(r) is not tagged either with the notion of a specified disability or a benchmark disability as defined in Section 2(r). Section 2(s) has been phrased by Parliament in broad terms so as to mean a person with a long term physical, mental, intellectual or sensory impairment which in interaction with various barriers hinders full and effective participation in society equally with others.”

“34. Both as a matter of textual construction and bearing in mind the purpose and object underlying the term, it is necessary to emphasise that the definition in Section 2(s) cannot be constricted by the measurable quantifications tagged with the definition under Section 2(r).”

“36. Conflating the rights and entitlements which inhere in persons with disabilities with the notion of benchmark disabilities does dis-service to the salutary purpose underlying the enactment of the RPwD Act 2016. Worse still, to deny the rights and entitlements recognized for persons with disabilities on the ground that they do not fulfill a benchmark disability would be plainly ultra vires the RPwD Act 2016.”

15. It is the case of the petitioner that his condition, *Palmopltantar Keratoderma*, has caused significant barriers in his attempt to participate in competitive examinations and public employment, thereby potentially falling within the definition of a person with disability under Section 2(s). Whether the petitioner falls under Section 2(s) can only be decided after a Medical Board examines him.

16. Accordingly, the Court directs that if the petitioner appears before the All India Institute of Medical Sciences (AIIMS), New Delhi, along with a copy of this Order within a period of 30 days from its receipt, the Director of AIIMS shall constitute a Medical Board to examine the petitioner's alleged disability and to issue an appropriate certificate.

17. The same shall be the foundational disability assessment. However, if the petitioner applies in any recruitment process, his condition shall be adjusted as per the prevailing rules of that recruitment process.

18. The petitioner shall be at liberty to place all relevant medical records,



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including the OPD Cards dated 07.01.2017 and 13.01.2017 issued by Guru Teg Bahadur Hospital, before the Medical Board for its consideration.

19. With the aforesaid observations, the instant petition stands disposed of.

20. If the petitioner has any further grievance, he shall be at liberty to take appropriate recourse in accordance with law including to file a fresh petition.

PURUSHAINDRA KUMAR KAURAV, J

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