

In the Court of State Commissioner for Persons with Disabilities
National Capital Territory of Delhi
25- D, Mata Sundari Road, Near Guru Nanak Eye Centre, New Delhi-2
Phone-011-23216002-04, Telefax: 011-23216005, Email:
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[Vested with powers of Civil Court under
the Rights of Persons with Disabilities Act, 2016]

Case No.1240 /1121/2019/10/ 9151 - 9153 Dated: 31/10/2019

In the matter of:

Ms. Kavita Srivastava,
H. No. 33, Sarojani Park,
Shastri Nagar, Geeta Colony,
East Delhi, Delhi-110031
Email ID: premendrakumar23@gmail.com

.....Complainant

Versus

The Medical Superintendent,
Govind Ballabh Pant Institute of Post Graduate Medical Education &
Research (GIPMER),
1, Jawahar Lal Nehru Marg,
New Delhi-110002

.....Respondent No. 1

The Secretary,
Health and Family Welfare Department,
(Govt. of NCT of Delhi)
9th Level, A-Wing, I.P. Estate,
Delhi Secretariat, New Delhi-110002

.....Respondent No. 2

ORDER

The above named complainant vide her email dated 31/10/2019 has submitted that she has been trying for certificate of disability in respect of her son Master Lakshya Srivastava (DOB: 10/08/2003) since 2017. He has been diagnosed to have developmental delayed milestones, Mild Intellectual disability as per Govind Ballabh Pant Insitutute of Post Graduate Medical Education & Research (GIPMER) vide OPD Registration Card No. NL/64882 dated 17/7/2019. The complainant also

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visited IHBAS who advised her to approach the respondent No. 1 as they cannot issue certificate of disability to persons below 18 years.

2. As per corrigendum dated 10/05/2019 to the Circular dated 02/5/2019 of the medical authority in GIPMER is competent authority to issue disability certificate in respect of children less than 18 years of age who are residing in East, Shahdara, North East, Delhi.

3. As per Circular No. F.No. 24/Misc.Policy (Disability)/DHS/NHC/1032-38 dated 29.04.2019 of Directorate General of Health Services, Govt. of NCT of Delhi, if the hospital issuing the disability certificate does not have any particular speciality for which the certificate has to be issued, may request the hospital where the concerned specialists for particular disability are available for assessment.

4. The matter was taken up with the respondents vide show-cause-cum hearing notice dated 26/11/2019 under the Rights of Persons with Disabilities Act, hereinafter referred to as the Act.

5. Respondent No. 1 was directed to show-cause why either the Psychologist should not be requisitioned from IHBAS or Asha Kiran Home/any other Institute or the complainant should not be advised to get her son assessed by a Psychologist from the hospital/institute where the Psychologist is available and thereafter be assessed for other conditions by GIPMER and issued a certificate of disability by **10/10/2019** without making the complainant to visit the hospital(s) more than twice. If the same was not done, it was decided to hold a hearing in the matter under Section 82 of the Act, 2016 and the respondents are directed to appear in the Court of State Commissioner for Persons with Disabilities, 25-D, Mata Sundari Road, Near Guru Nanak Eye Centre, New Delhi in person or through a representative { not below the level of Group 'A'/Class-I officer in the case of respondent(s)} well versed with the case and with all the related documents at **11.00 a.m.** on **10.12.2019** to present their case so as to dispose of the matter.


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6 Keeping in view of the situation of the complainant and the harassment that she had already undergone, this court advised her not to visit any hospital until this court gets the concerned hospital to make necessary arrangement in a single visit and then issue the certificate of disability to her son. Shri V.K. Rajput, AAO, of this court was deputed to visit the Disability Board in GIPMER. He was informed by Dr. Chetan Rai, the Nodal Officer (Disability) that as the institute does not have a Psychologist, it was not possible for them to assess and issue a certificate of disability to Master Lakshya Srivastava. Hence no hearing was held.

7. In light of the Provision of Act and Central Rights of Persons with Disabilities Rules, 2017 & Delhi Rights of Persons with Disabilities Rules, 2018 as also the decision taken in a joint meeting of Hon'ble Health Minister, Govt. of NCT of Delhi and Hon'ble Minister, Department of Social Welfare and a number of recommendations of this Court, it is recommended that respondent no. 1 & 2 should make necessary arrangement for assessment of Master Lakshya Srivastava by Clinical Psychologist from any other hospital/Department within 07 days of receipt of this order and inform the complainant about the arrangement for assessment on her given mobile number 9818533995/9873782650 (Email ID: premendrakumar23@gmail.com). If, Master Lakshya Srivastava is eligible, he be issued a certificate of disability by respondent no. 1 within 15 days of receipt of this order ensuring that he or his parents are not made to visit to hospitals multiple times.

8 This Court be informed of the action taken on the above recommendations as required under Section 81 of the Act which is reproduced below:

"Whenever the State Commissioner makes a recommendation to an authority in pursuance of clause (b) of Section 80, that authority shall take necessary action on it, and inform the State Commissioner of the action taken within three months from the date of receipt of the recommendation:

Provided that where an authority does not accept a recommendation, it shall convey reasons for non-acceptance to the State Commissioner for Persons with Disabilities within the period of three months, and shall also inform the aggrieved person."

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09. The matter is disposed of with the above recommendation.

10. Given under my hand and the seal of the Court this 31st day of December 2019.



T. D. Dhariyal

31-12-19

(T. D. Dhariyal)

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