

**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, Email: [comdis.delhi@delhi.gov.in](mailto:comdis.delhi@delhi.gov.in)  
[Vested with powers of Civil Court under the  
Rights of Persons with Disabilities Act, 2016]**

**Case No.2988/1141/2023/04/2058-2059**

**Dated:10-07-2023**

**In the matter of:**

**Dr. Rakesh Raman Jha,**  
President, Poorvanchal Vichar Manch,  
D-589, Dilshad Garden,  
Delhi-110095.  
Email: [poorvanchalvicharmanch@gmail.com](mailto:poorvanchalvicharmanch@gmail.com)

.....**Complainant**

**Versus**

**The Medical Superintendent,**  
Rajeev Gandhi Super Speciality Hospital,  
GNCT of Delhi, Tahirpur,  
Dilshad Garden, Delhi-110095.  
Email: [msrgsssofficial@gmail.com](mailto:msrgsssofficial@gmail.com),  
[dprgssh@gmail.com](mailto:dprgssh@gmail.com)

.....**Respondent**

**Date of hearing:** 06.07.2023

**Present:** Sh. Rakesh Raman Jha, Complainant

Dr. Neeraj Pandit , Clinical Head Cardiologist & Dr. Shikhar Saxena, Asstt. Prof., Office Incharge (Legal) on behalf of the Respondent.

**ORDER**

Dr. Rakesh Raman Jha, Member of the State Advisory Board, GNCT of Delhi who is also a person with locomotor disability(wheelchair user) filed a complaint dated 17.04.2023 under the Rights of Persons with Disabilities Act 2016, hereinafter referred to as the Act and alleged that he visited the Rajeev Gandhi Super Speciality Hospital

(RGSSH) for personal medical consultation on 15.04.2023 but the concerned doctor (Dr. Neeraj Pandit) did not allow him to enter the room as he was on a wheelchair and also refused to do his check-up and left the room without prescribing him medicine. However, the other doctor available in the room prescribed the medicine of other patient on his OPD Card. The above act on the part of concerned doctors clearly indicates violation of the human rights as well as the Rights of Persons with Disabilities Act, 2016. Thus, he requested this Court to intervene in the matter and take appropriate action

2. The matter was taken up with the Respondent vide Notice dated 21.04.2023. However, Dr. Shikhar Saxena Office-Incharge, RGSSH vide his e-mail dated 20.05.2023 forwarded the duly approved reply of Prof. Neeraj Pandit, Clinical Head Cardiology vide which he submitted that the complainant was registered in the Cardiology OPD at RGSSH on 15.04.2023 as general patient vide UHID No. 20230014353. He strongly refuted the allegation that he shouted at the complainant without any reason. He clarified that doctors' consultation rooms in the OPD consisted of a table, two chairs for two doctors, examination table and two patient stools. It was not designed to accommodate a wheelchair/patient trolley due to lack of space. Therefore a standard operating procedure was followed wherein the attendant of patient brings the OPD Card and any other relevant medical record inside the doctor's consultation room and after perusal of the medical record the doctor goes outside to the patient waiting area to examine the patient. It was also clearly mentioned at the entrance of the OPD consultation Room for public. In this instance also, same procedure was being followed but the complainant wanted to come inside on wheel chair. He refused to listen to any explanation and probably felt offended. He mistook it as discrimination against him due to his locomotor disability whereas we were just following established protocol with reasonable accommodation of wheelchair bound patients. The complainant did not listen to any reason and started dialling numbers with the intention to lodge complaint. Thereafter, he had to leave the OPD at that time for attending the prescheduled interview of Sr. Residents thus he assigned the remaining few patients including complainant to a qualified Cardiologist. It might possible that due to scene created by complainant including calling the police, the junior cardiologist wrote on the wrong OPD card by mistake which he immediately rectified. There was no mal-intent on the part of the doctor but

thereafter the complainant was also not willing to consult the Caridiologist in the general OPD as can be seen by the noting of cardiologist on complainant's OPD Card. Thus, he denied the allegation of discriminating the complainant being a person with disability and also submitted that other wheelchair bound patients are routinely seen in cardiology OPD without any complaint or discrimination till date.

3. Complainant vide his rejoinder dated 21.06.2023 submitted that the response of Dr. Neeraj that there was no space in the OPD consultation room for patients on wheelchair is not based on facts and hence unacceptable. It violates the provisions of RPwD Act 2016 that ensures easy accessibility, equal opportunity and full participation of disabled persons. It is totally unacceptable that a large and famous hospital like Rajeev Gandhi Super Speciality Hospital does not have proper space in consultation room for the patients on wheelchairs. The hospital itself has admittedly accepted that it does not allow disabled patients on wheelchairs to enter in consultation rooms and also mentioned it at the entrance of OPD, this act on their part is discriminatory in nature and violates the provision of RPwD Act 2016. He agreed to the fact that he felt offended & humiliated because of this kind of treatment. He had dialled 100 to call police and registered his complaint. Thus, he again requested this Court to direct hospital authorities to take all necessary steps in the best interest of persons with disabilities.

4. In view of the above, a hearing was scheduled on 06.07.2023 and both parties submitted their respective facts. Complainant submitted that he has nothing to say about Dr. Neeraj being the member of Interview Board but his only concern is that he left the consultation room without providing him consultation. He did not create any scene there, on the other hand he felt discriminated and offended because of the attitude of Dr. Pandit for not permitting him to enter the consultation room as being a person with disability he has all the right of equal treatment like others. He further added that the toilet of the hospital was also found locked during his visit.

5. Representative of the respondent reiterated their written submissions and added that he was not aware of the disability of the complainant and this incident occurred due to misunderstanding among them otherwise he has no mal-intention against the complainant. It was also added that being a govt. hospital there may be

some constraints because of availability of space in the OPD rooms but otherwise the hospital are committed to provide accessible environment to the persons with disabilities.

6. Court observed and clarified it to respondent that the Hospital should be accessible and provide persons with disabilities a barrier free environment. Further it should also be ensured that the persons with disabilities enjoy the right to equality.

7. Keeping in view of the facts of the case, submissions of the complainant and respondents, existing sections of Rights of Persons with Disabilities Act, 2016 and RPwD Rules, the Court recommended as under:-

- (i) Court observed that it is the duty and responsibility of the Respondent to make a barrier free environment for all the persons with disabilities by retrofitting the existing facilities so as to give easy accessibility to persons with disabilities. Harmonised guidelines & space standards for barrier free built environment for persons with disabilities and elderly persons 2016, issued by the Ministry of UD, GOI should be followed while carrying out such retro fitments.
- (ii) Court observed that like any normal person, persons with disabilities also should be able to access and visit the OPD Consultation rooms of the hospital. Thus, the OPD rooms should be made accessible for persons with disabilities.
- (iii) The confusion and misunderstanding between the complainant and the respondent was fully cleared post hearing and both the parties exchanged pleasantries amicably.

8. Accordingly the case is disposed of. This Court be also apprised with the ATR on the recommendations of retrofitment in the hospital within three months from the date of this order as per Section 81 of the Act.

9. Given under my hand and the seal of the Court this 10<sup>th</sup> day of July, 2023.

**(Ranjan Mukherjee)**  
**State Commissioner for Persons with Disabilities**