

O U T T O D A Y

ITEM NO.30

COURT NO.2

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition (Civil) No.620/2017

SRUCHI RATHORE

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

Date : 18-08-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Petitioner(s) Mr. Govind Jee, Adv.
Mr. Prashant Bhushan, AOR
Mr. Devesh Kumar Agnihotri, Adv.
Mr. Omanakutton K., Adv.
Mr. T. Sudhakar, Adv.

For Respondent(s) Mr. Vikas Singh, Sr. Adv.
Mr. Gaurav Sharma, AOR

Mr. C. D. Singh, AOR
Ms. Sakshi Kakkar, Adv.

Mr. Sarad Kumar Singhania, Adv.
Dr. Nishesh Sharma, Adv.
Mr. G.S. Makker, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Heard Mr. Govind Jee, learned counsel for the petitioner, Mr. Vikas Singh, learned senior counsel along with Mr. Gaurav Sharma, learned counsel for the Medical Council of India and Mr. C.D. Singh, learned counsel for the State.

This Court on 11th August, 2017, had passed the following order:-

"The petitioner has pleaded that she falls under the category of persons with benchmark disability as prescribed under the provisions of the Right of Persons with Disabilities Act, 2016 (for brevity, 'the 2016 Act'). It is submitted by Mr. Prashant Bhushan that the case of the petitioner should be considered as a person with disability for the purpose of admission to any medical stream. That apart, it is contended by him that under the 2016 Act, 5% of the seats for the persons with benchmark disability are required to be reserved. The said statutory command, needless to say, has to be followed in letter and spirit. We are disposed to think so because the 2016 Act, as we perceive, is a legislation of great welfare measures and it is the duty of everyone to see that the provisions are carried out with quite promptitude.

At this juncture, it is submitted by Mr. Gaurav Sharma, learned counsel appearing for the Medical Council of India that the petitioner requires to be examined by the Medical Board. Mr. Prashant Bhushan, learned counsel for the petitioner submits that the petitioner shall be available for examination before the Medical Board. Be it noted, we have been apprised that the Medical Board is constituted by the State Government.

In view of the aforesaid, it is directed that Mr. C.D. Singh, learned Standing Counsel for the State of Chhattisgarh shall instruct the competent authorities to constitute the requisite Medical Board within two days and the petitioner shall be examined on Wednesday, 16th August, 2017. The result of her examination shall be produced before this Court on 18th August, 2017. It has to be borne in mind that it is the duty of every institution to extend helping hand in its command to the disabled persons.

In case the petitioner passes the benchmark as per the 2016 Act, her case may be considered. If there is any caveat in that regard, the same shall be addressed on 18th August, 2017."

In pursuance of the aforesaid order, a report has been filed on behalf of the Directorate of Medical Education, State of Chhattisgarh. The report reads as under:-

"As per report of CCMB (Centre for Cellular and Molecular Biology, Hyderabad (A.P.) dated 01.08.2017, Ms. Sruchi Rathor is affected with Beta Thallasaemia.

After clinical examination of Ms. Sruchi Rathor age 19 years d/o Shri Satya Narayan Rathor and the relevant papers provided by her, State Medical Board Chhattisgarh is of the opinion that she is suffering from Thallasaemia major."

It is submitted by Mr. C.D. Singh, learned counsel for the State that if the Medical Council of India has no objection, it shall admit the petitioner in the requisite course. Mr. Vikas Singh, learned senior counsel for the Medical Council of India has left it to the discretion of this Court. However, learned senior counsel would submit that the larger issues which have been raised in this petition, are under consideration by the Medical Council of India. An affidavit to that regard be filed within eight weeks hence.

Having heard learned counsel for the parties, as far as the present petitioner is concerned, she shall be admitted in the M.B.B.S. course, after due counseling within a week hence.

Let the matter be listed after eight weeks.

(Chetan Kumar)
Court Master

(H.S. Parasher)
Assistant Registrar