

ITEM NO.35

COURT NO.7

SECTION XVI

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

Petition for Special Leave to Appeal (C) No.22458/2024

[Arising out of impugned final judgment and order dated 03-07-2024 in MAT No. 2325/2023 passed by the High Court at Calcutta]

SUJATA BORA

Petitioner(s)

VERSUS

COAL INDIA LIMITED & ORS.

Respondent(s)

(IA No. 37415/2025 - CLARIFICATION/DIRECTION, IA No. 221250/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 221252/2024 - EXEMPTION FROM FILING O.T. & IA No. 162808/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 18-12-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) :

Mr. Amol Nirmalkumar Suryawanshi, Adv.
Mr. Prashant Shrikant Kenjale, Adv.
Ms. Srishty Pandey, Adv.
Ms. Damini Vishwakarma, Adv.
Mr. B Dhananjay, Adv.
For M/s Juristrust Law Offices, AOR

For Respondent(s) :

Mr. Vivek Narayan Sharma, AOR
Mrs. Mahima Bhardwaj Kalucha, Adv.
Mr. Akash Singh, Adv.
Mr. Adhiraj Wadhera, Adv.
Mr. Dinesh Sharma, Adv.
Mr. Rajeev Kumar Jha, Adv.
Mr. Shubham Awasthi, Adv.

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

1. Our order dated 28-11-2025 reads thus:-

1. It is the case of the petitioner that she is a visually handicapped person with 60% low vision in both eyes and also has residual functional partial Hemiparesis.

2. In terms of qualification, the petitioner has graduated with the degree in Economics and pursued post graduation from Assam Women's University in MBA (Human Resources).

3. The respondent no.1 is a Maharatna Public Sector Undertaking under the Ministry of Coal, Government of India.

4. It appears from the materials on record that in pursuance of the advertisement dated 16.12.2019 issued by the respondent no.1- company, the petitioner applied for the post of a Management Trainee in Personnel and HR discipline.

5. She applied as a reserved candidate in the Visually Handicapped (VH) category.

6. It is her case that she produced two certificates dated 7.4.2012 and 2.1.2021 respectively, issued by the District Social Welfare Officer, Jorhat, Government of Assam and the Public Works Department, Government of Assam through the Joint Director of Health Sciences, Jorhat, respectively, both of which certified that the petitioner is visually impaired to the extent of 60-70% visual disability.

7. On the other hand, it is the case of the respondent no.1 that the disability is not to the extent of 60-70% but is to the extent of 30%.

8. What we have understood is that if it is the case of the respondent no.1 that the disability is to the extent of 30%, then the petitioner cannot be said to be falling within the ambit of "person with benchmark disability".

9. What is important in the present case is to ascertain whether the disability is a functional disability or not.

10. For this purpose, we direct the Director of All India Institute of Medical Sciences (AIIMS), New Delhi to constitute a Board of experts and one of the members in the said Board should be Dr. Satendra Singh.

11. Dr. Satendra Singh has been working on disability rights, since a long period of time.

12. Once, we receive the report of the Medical Board, we shall proceed to pass further orders.

13. The petitioner shall appear before the Board on 05.12.2025 along with the copy of this order.

14. Registry shall inform the Director of AIIMS, New Delhi about the order passed by this Court today and also furnish full set of papers to the Director, AIIMS at the earliest.

15. Post this matter for further hearing on 18.12.2025.

2. After the aforesaid Order, a further Order was passed dated 12-12-2025. The same reads thus:-

"1. The matter was mentioned today in the morning bringing it to our notice that despite there being a specific order passed by this Court dated 28-11-2025, the Director of the All India Institute of Medical Science (AIIMS), New Delhi has not constituted a Board of Experts.

2. We had also stated in so many words that one of the Members in the Board should be Dr. Satendra Singh.

3. The main matter is coming up for hearing on 18-12-2025.

4. We once again remind the Director, AIIMS of our order dated 28-11-2025. We are further informed that the petitioner namely Sujata Bora is in Delhi past one week. She has been examined so far only by two Doctors and not in accordance with our Order dated 28-11-2025. The Director, AIIMS is requested to look into the matter at the earliest.

5. The Registry shall communicate this order to the Director, AIIMS at the earliest."

3. In pursuance of our Order dated 28-11-2025, referred to above, the All India Institute of Medical Sciences, New Delhi has forwarded the Medical Report.

4. The final impression in the Report dated 16-12-2025 reads thus:-

"The candidate is diagnosed with right sided 7th nerve palsy, lagophthalmos, exposure keratopathy and 6th nerve palsy in the right eye. The left eye visual acuity and visual field does not correlate with the clinical examination findings and ocular investigations, therefore visual disability cannot be assessed. To confirm benchmark multiple disability because of presence of right side facial paralysis, opinion may be taken from PMR department/multiple disability board. Neurosurgery department has review old available record, but if current neurosurgical status evaluation is needed, detailed neurological examination, new MRI and other investigations will be required by them."

5. According to the AIIMS, New Delhi for the purpose of confirming the benchmark, multiple disability because of presence of right side facial paralysis, opinion should be taken from PMR department/multiple disability board, i.e., Physical Medicine and Rehabilitation Department.

6. The report further reveals that the Neurosurgery Department has looked into the old records available but for the purpose of current neurosurgical status evaluation, a detailed neurological examination with new MRI and other investigations should be undertaken.

7. Let the needful be done at the earliest and a fresh Report be submitted before us.

8. One copy of this Report dated 16-12-2025 be furnished to the learned counsel appearing for the petitioner as well as for the learned counsel appearing for the respondents - Coal India Limited.

9. Post it on 8-1-2026 as part-heard.

10. The petitioner - Sujata Bora is personally present in the Court today.

11. We are informed that she is in Delhi past couple of days.

12. We request the Director, AIIMS, New Delhi to undertake the necessary further investigations of Ms. Bora from tomorrow itself.

13. The Registry to inform about this order to the Director, AIIMS, New Delhi at the earliest.

14. Dasti permitted.

15. Ms. Sujata Bora shall reach the office of the Director, AIIMS, New Delhi tomorrow, i.e., 19-12-2025 by 10.30 a.m.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)