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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 3066/2020**

VARUN KHULLAR

..... Petitioner

Through: Mr. Karan Mathur and Mr. Ivo
D'costa, Advs.

Versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mrs. Maninder Acharya, learned ASG
with Mr. Anurag Ahluwalia, CGSC
with Mr. Abhigyan Siddhant and
Mr. Viplayv Acharya, Advs. for UOI.
Mr. Shadan Farasat, learned Addl.
Standing Counsel appearing for the
respondent /GNCTD.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **13.05.2020**

This matter is being heard through video-conferencing.

This petition has been filed by the petitioner with the following prayers:

“In view of aforesaid facts and circumstances explained hereinabove and in the interest of justice it is humbly prayed that this Hon'ble Court may graciously be pleased to:

a. Issue a writ, order or direction in the nature of mandamus thereby directing the Respondents to give effect to Section 8 of the RIGHTS OF PERSONS WITH DISABILITIES ACT, 2016;

b. Issue a writ, order or direction in the nature of mandamus to the Respondents to classify the care takers, attendants and support staff of the PWDs as medical personnel and consequent exemptions under the NDMA, including but not limited to their transit.

c. Issue a writ, order or direction to the Respondents to implement an action plan to deal with the issues faced by the PWDs during the entirety of nationwide lockdown;

d. Such and other orders that this Hon'ble Court may deem fit in the facts and circumstances of the instant case."

On the last date of hearing, this court had passed the following order:

"1. The hearing was conducted through video conferencing.

2. Petitioner, a person with disabilities, has filed this petition inter alia seeking a mandamus against the respondents to classify caretakers, attendants and support staff of the persons with disabilities as medical personnel and consequently, grant them exemptions under the National Disaster Management Act, including but not limited to their transit.

3. Learned counsel for the petitioner submits that petitioner is a person suffering with 100% disability below D5-6 level and accordingly, cannot perform his day-to-day functions without the help of a caretaker/attendant.

4. Learned counsel for the petitioner submits that in view of lock-down and the guidelines issued by Union of India, the caretakers/attendants and support staff of persons with great difficulty are not granted exemptions under the National Disaster Manager Act and as such, are not in a position to obtain a pass for travelling from their residences to the residence of the person with disabilities to support him.

5. Learned counsel for the petitioner further submits that

some of the caretakers/attendants and support staff are not registered as medical personnel and accordingly, do not satisfy the criteria prescribed by the Government for grant of exemptions under National Disaster Management Act.

6. It is prayed that such caretakers/attendants and support staff of persons with disabilities be granted exemption so that it eases their travel to the residence of the persons with disabilities.

7. In my view it would be appropriate to direct the Central Government to consider as to whether caretakers, attendants and support staff of persons with disabilities could be granted exemption under the National Disaster Manager Act for the purposes of providing support to the persons with disability, who do not have any in house support and are unable to take care of themselves without such support. The Competent Authority shall also consider as which category of persons with disability's caretakers, attendants and support staff would be granted exemption and subject to what conditions.

8. Ms. Maninder Acharya, learned Additional Solicitor General appearing for the Union of India prays for time to take instructions.

9. List on 13.05.2020.

10. Copy of the order be uploaded on the High Court website and be also forwarded to learned counsels through email."

Mrs. Maninder Acharya, learned ASG appearing for the respondent / UOI has by drawing my attention to the guidelines issued by the Central Government with reference to Section 8(2) of the Act states that in view of the guidelines so issued, the grievance of the petitioner in this petition has

been answered. Mr. Karan Mathur, learned counsel appearing for the petitioner agrees with the submission made by Mrs. Acharya. If that be so, the writ petition is closed giving liberty to the petitioner, in the eventuality if he has any other grievance, to seek such remedy as available in law. I also take on record the statement made by Mr. Shadan Farasat, learned Addl. Standing Counsel appearing for the respondent / GNCTD that the guidelines issued by the Central Government on March 26, 2020 are being implemented by GNCTD.

No costs.

V. KAMESWAR RAO, J

MAY 13, 2020/jg