

ITEM NO.16

COURT NO.2

SECTION PIL(W)

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.855/2016

SHYAM NARAYAN CHOUKSEY

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

(With appln. (s) for directions and exemption from filing O.T. and impleadment and impleadment as party respondent and intervention and recalling the Court's order and office report)

WITH W.P.(C) No.98/2017

(With office report)

Date : 18/04/2017 These petitions were 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

Mr. Sidhartha Luthra Sr. Adv. (A.C.)
Ms. Tara Narula, Adv.
Ms. Gargi Khanna, Adv.
Mr. Sidharth Malhotra, Adv.

For Petitioner(s) Mr. Rakesh Dwivedi, Sr. Adv.
Mr. Abhinav Shrivastava, AOR
Mr. Harmeet Singh Ruprah, Adv.
Ms. Sansriti Pathak, Adv.
Ms. Priyanka Garg, Adv.
Mr. Harsh Goel, Adv.

WP 98/17 Mr. Vikas Singh, Sr. Adv.
Mr. Girdhal Upadhyay, Adv.
Mr. A.K. Upadhyay, Adv.
Ms. Asha Upadhyay, Adv.
Mr. R. D. Upadhyay, AOR

For Respondent(s) Mr. Tushar Mehta, ASG
Ms. Binu Tamta, Adv.
Mr. Rajat Nair, Adv.
Mr. R.K. Rathore, Adv.
Mr. Arijit Prasad, Adv.
Mr. B. Krishna Prasad, AOR

Mr. Tushar Mehta, ASG
Mr. Nishant Ramakand Katneshwarkar, AOR

Mr. Tushar Mehta, ASG
Mr. Shiv Mangal Sharma, AAG
Mr. Shrey Kapoor, Adv.
Ms. Ruchi Kohli, Adv.

Applicant-in-person

Mr. Raju Ramachandran, Sr. Adv.
Mr. Biju P Raman, AOR

Mr. A. Subba Rao, AOR

Mr. Lakshmi Raman Singh, AOR

Mr. C.U. Singh, Sr. Adv.
Mr. P. V. Dinesh, AOR
Ms. Sindhu T.P., Adv.
Mr. Rajendra Beniwal, Adv.
Ms. Arushi Singh, Adv.

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

Mr. Rakesh Dwivedi, learned senior counsel appearing for the petitioner submits that he has filed an interlocutory application seeking permission to urge additional grounds and prayers.

Regard being had to the grounds urged, the interlocutory application stands allowed. Mr. Abhinav Shrivastava, learned counsel assisting Mr. Rakesh Dwivedi, shall file the amended writ petition within two weeks hence and serve copies thereof on the learned counsel for other sides.

Mr. Tushar Mehta, learned Additional Solicitor General appearing for the Union of India has submitted that he has filed two interlocutory applications for impleadment on behalf of the States of Maharashtra and Rajasthan. The said two States be impleaded as respondents in the petition.

The interlocutory applications stand allowed accordingly.

I.A. No.14 of 2017

This is an application for impleadment filed on behalf of the National Platform for the Rights of the Disabled (NPRD).

Having heard Mr. Raju Ramachandran, learned senior counsel for the applicant, the prayer stands allowed.

I.A. No.15 of 2017

This is an application filed by the NPRD to direct the respondent No.1 to exempt certain categories of disabled persons from the purview of the order of this Court dated 30th November, 2016 and 9th December, 2016. The categories of persons mentioned are:-

- (i) Wheel chair users - can be cerebral palsy, Parkinsons, Multiple sclerosis, Muscular dystrophy or other conditions
- (ii) Those with autism
- (iii) Those with cerebral palsy
- (iv) Intellectual disabilities
- (v) Mental illness
- (vi) Deaf blind
- (vii) Multiple disabilities
- (viii) Parkinsons, Multiple sclerosis
- (ix) Leprosy cured
- (x) Muscular dystrophy

Having heard learned counsel for the parties, we are inclined to modify the orders and direct that the persons who are wheel chair users, those with autism, persons suffering from cerebral palsy, multiple disabilities, parkinsons, multiple sclerosis, leprosy cured, muscular dystrophy and deaf and blind be treated not to be within the ambit of the orders passed by this Court.

As far as the other categories, which we have not referred to mentioned in the application, are concerned, the same may be considered by the Union of India.

I.A. No.11 of 2017

This is an application for recall of the order dated 30th November, 2016, passed by this Court, which has been modified from time to time. In our considered opinion, this application for recall shall be heard along with the writ petition when it is finally heard.

Writ Petition (C) No.98 of 2017

Issue notice.

Let a copy of this petition be served on Ms. Binu Tamta, learned counsel assisting Mr. Tushar Mehta, learned Additional Solicitor General of India. The Union of India shall file its response to the writ petition within four weeks hence.

Let both the writ petitions along with the interlocutory applications be listed on 23rd August, 2017.

(Chetan Kumar)
Court Master

(H.S. Parasher)
Court Master