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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 with Mr. Ivo D'Costa,
Advocate.

versus

UNION OF INDIA & ORS. ...Respondents

Through: Ms. Maninder Acharya, Additional Solicitor
General with Mr. Anurag Ahluwalia,
Central Government Standing Counsel with
Mr. Abhigyan Siddhant and Mr. Viplav
Acharya, Advocates for Union of India

Mr. Shadan Farasat, Additional Standing
Counsel for Government of NCT of Delhi

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **08.05.2020**

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.

SANJEEV SACHDEVA, J

MAY 08, 2020/st