

**HIGH COURT OF CHHATTISGARH, BILASPUR**

Order Sheet

**WPPIL No. 36 of 2023**Chhattisgarh Divyang Seva Sangh **Versus** State of Chhattisgarh & Others

24.04.2023	<p>Heard Mr. Sangharsh Pandey, learned counsel for the petitioner, Mr. Raghvendra Pradhan, learned Additional Advocate General, appearing for the State/respondents No.1 to 14 as well as Mr. Anand Mohan Tiwari, learned counsel, appearing for respondent No.15.</p> <p>Learned counsel for the petitioner submits that he had earlier approached this Court by filing a writ petition in the style of 'Public Interest Litigation' being WPPIL No.14 of 2019, which was disposed of on 07.03.2019 by observing as follows :</p> <p>“1. This writ application is disposed off with liberty to the Petitioner or any aggrieved person who otherwise perceives violation of law under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 to approach the appropriate authority and the appropriate authority has an obligation to take</p>



cognizance and act upon it, if it is found to be otherwise a genuine complaint.

2. Let a copy of this order be marked to the Chief Secretary of the State of Chhattisgarh, who will issue appropriate direction to the concerned authorities to ensure that no person who is otherwise not physically disabled is allowed to use the benefit which otherwise a genuine person under the Act is entitled to. This direction has been passed because one too many allegations of misuse of disability certificates and easy access there to even by non genuine persons for obtaining employment or benefits are emerging.”

Some error has been crept in in the order dated 07.03.2019 passed in WPPIL No.14 of 2019, the petitioner again moved an application for modification of the order dated 07.03.2019 by filing MCC No.332 of 2019, which was also disposed of on 24.04.2019 holding as follows :

“1. This application for modification of order dated 07.03.2019 in WPPIL 14 of 2019, would pray for mentioning the present prevalent Act instead of





“Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995” which is mentioned in the order under modification.

2. On due consideration the application is disposed of directing that in para 1 of the order passed by us in WPPIL No. 14 of 2019, the name of the enactment be mentioned as “The Rights of Persons with Disabilities Act, 2016, in place of “Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

3. The remaining contents of the order dated 7.3.2019 passed in WPPIL No.14 of 2019 shall remain unaltered.

4. Accordingly, the application stands disposed of.

5. Certified copy of this order be supplied to the parties along with copy of the order dated 07.03.2019 passed in WPPIL No.14 of 2019.”

Learned counsel for the petitioner further submits that in pursuance of the aforesaid orders dated 07.03.2019 and





24.04.2019, the Chief Secretary, Government of Chhattisgarh issued a circular in the month of May, 2019. the said circular reads as follows :

“छत्तीसगढ़ शासन  
समाज कल्याण विभाग  
मंत्रालय  
महानदी भवन,  
अटल नगर , जिला –रायपुर

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प्रति,

शासन के समस्त विभाग,  
समस्त विभागाध्यक्ष,  
समस्त संभागायुक्त,  
समस्त कलेक्टर,  
समस्त मुख्य कार्यापालन अधिकारी, जिला पंचायत,  
छत्तीसगढ़.

विषय:— विकलांग प्रमाण पत्र के दुरुपयोग के रोकथाम हेतु निर्देश।

—00—

माननीय उच्च न्यायालय, छत्तीसगढ़ बिलासपुर द्वारा रिट याचिका (PIL) No. 14/2019 Radha Krishna Gopal Vs. State of Chhattisgarh & others में पारित निर्णण आदेश दिनांक 07.03.2019 को क्रियात्मक भाग निम्नवत् है:—

“Let a copy of this order be marked to the chief Secretary of the State of Chhattisgarh. Who will issue appropriate direction to the concerned authorities to ensure that no person who is otherwise not physically disabled is allowed to use the benefit which otherwise a genuine person under the Act is entitled to. This direction has been passed because one too many allegations of misuse of disability certificates and easy access there to even by non genuine persons for obtaining employment or benefits are emerging.”

2/ उक्त आदेश के परिमालन में निर्देशित किया जाता है, कि दिव्यांगजनों को शासकीय कल्याणकारी योजनाओं तथा रोजगार (शासकीय सेवाओं में भर्ती) का लाभ देने के पूर्व जिला मेडिकल



बोर्ड द्वारा जारी विकलांग प्रमाण पत्र का सूक्ष्म परीक्षण करा लेवे तथा यह सुनिश्चित करें कि विकलांग प्रमाण पत्र निःशक्त व्यक्ति अधिकार अधिनियम, 2016 के प्रावधानों के अनुरूप ही एवं उसका उपयोग वास्तविक दिव्यांगजन ही कर सके ।

सही / -  
(सुनिल कुमार कुजूर)  
मुख्य सचिव  
छत्तीसगढ़ शासन''

It is submitted by the learned counsel for the petitioner that despite the circular was issued by the Chief Secretary, Government of Chhattisgarh, no positive steps have been taken in order to verify the physical disability certificates.

In that view of the matter, the Chief Secretary, Government of Chhattisgarh is directed to file his personal affidavit as to why no positive steps are being taken to verify the physical disability certificates as per circular issued by him in the month of May, 2019.

List the matter after two weeks.

Sd/-  
(Sanjay K. Agrawal)  
Judge

Sd/-  
(Ramesh Sinha)  
Chief Justice