



सत्यमेव जयते

## न्यायालय मुख्य आयुक्त दिव्यांगजन

**COURT OF THE CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)**

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice & Empowerment

भारत सरकार/Government of India

5वाँ तल, एन.आई.एस.डी. भवन, जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075 ; दूरभाष : (011) 20892364

5<sup>th</sup> Floor, N.I.S.D. Bhawan, G-2, Sector-10, Dwarka, New Delhi-110075; Tel.: (011) 20892364

Email: ccpd@nic.in; Website: www.ccdisabilities.nic.in

### Case No. 14715/1141/2023

In the matter of —

Mr Deepak Tolaney

Email: geetutolaney@gmail.com ... **Complainant**

### Versus

- (1) The Director  
All India Institute of Medical Sciences ... **Respondent No.1**
- (2) The Director (UDID)  
Department of Empowerment of Persons with Disabilities,  
Ministry of Social Justice & Empowerment ... **Respondent No.2**

### Hearing (I):

A hearing was conducted on **22.04.2025 in hybrid mode** (offline/online through Video Conferencing). The following parties/representatives were present during the hearing:

Sl. No.	Name and Designation of the parties/representative	Mode of appearance
<b>From Complainant:</b>		
1.	Mr. Deepak Tolaney, Complainant	Physical
2.	Ms Geetu Tolaney for the Complainant	Physical
<b>From Respondent No.1:</b>		
1.	Dr. Pratap Saran, Professor Psychiatry, AIIMS Delhi	Online
2.	Dr. Biswaroop Chakraborty, Addl. Professor Paediatrics, AIIMS	Online

	Delhi	
<b>From Respondent No.2:</b>		
1.	Mr Vineet Singhal, Director, DEPWD/MSJE	Online

### **RECORD OF PROCEEDINGS**

During the hearing, the representative of the Complainant informed the Court that the Complainant was diagnosed mild mental retardation at the age of thirteen years and his IQ level was diagnosed to be 65-70 with 50% disability. He was under treatment at AIIMS, New Delhi, first under the Department of Paediatrics and then under the Department of Genetics. The Complainant was certified as a person with Mental Retardation as per the certificate issued by Prof. Madhulika Kabra and Clinical Psychiatric Dr. Sabita Sapra which shows behavioural issues including poor social adaptations. The Complainant has several documents which show him as a person suffering from Mental Retardation. But suddenly, in the year 2018, AIIMS Delhi declared him to be a case of Mental Illness. Due to some administrative changes in AIIMS New Delhi in the year 2018, his case was transferred from the Department of Genetics to the Department of Psychiatry, which issued the certificate showing Mental Illness. The type of disability does not change like this.

2. Again, the AIIMS issued a Disability Certificate on 28.12.2023, showing his disability as Mental Illness. Studies have shown that mental illness is generally diagnosed in adults mostly over the age of 22 years, whereas Mental Retardation is present in childhood itself. In the case of the Complainant, the disability occurred at the time of his birth itself and the AIIMS Delhi has been issuing prescriptions and certificates to the Complainant showing him as a case of mental retardation. He possesses all the documents from AIIMS Delhi relating to Mental Retardation. The representative submitted that the Complainant has participated in Special Olympics, the National Games, and was also part of the Special Contingent, which was shortlisted for the Shanghai Olympics. He is weak but not mentally ill.

3. Dr Biswaroop Chakraborty, Additional Professor, Department of Paediatrics, AIIMS Delhi, submitted that due to the change in the rules &

regulations of UDID, the patient/Complainant was referred to the Department of Psychiatry. Therefore, Prof. Dr. Pratap Saran, Professor, Psychiatry, AIIMS Delhi, would respond to the issues raised by the Complainant's representative in a better way.

4. Prof. (Dr.) Pratap Saran said that after the receipt of the notice from this Court, a meeting was conducted on 19.04.2025, wherein an apparent error in the Disability Certificate was observed, and it was felt that a proper reassessment was required. In response to a query as to when the reassessment can be done and where the Complainant should report to, Dr. Saran responded that the whole process requires assessment at various departments of the AIIMS, however, it can start from his department, i.e. the Department of Psychiatry from Friday i.e. 25.04.2025; and the Complainant with his/her attendant can report to him in the OPD of Department of Psychiatry at 10 O'clock in the morning.

5. After hearing the parties, the Court appreciated the positive response by the AIIMS Delhi and the cooperation extended by the officers from the DEPWD. The Court advised the Complainant to report to Dr. Saran at his OPD on Friday, i.e. 25.04.2025 at 10 O'clock. The respondents were also advised to forward to this Court their Action Taken Report positively within one month from the date of issue of this Record of Proceedings.

6. This is issued with the approval of the Commissioner for Persons with Disabilities.

**Digitally signed by  
PRAVEEN PRAKASH AMBASHTA  
Date: 23-04-2025 18:41:17**

**(Praveen Prakash Ambashta)  
Dy. Chief Commissioner**