



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
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Case No. 14715/1141/2023

In the matter of-

Shri Deepak Tolaney

...Complainant

Versus

The Director
 All India Institute of Medical Sciences
 Ansari Nagar, New Delhi – 110029
 Email – director@aiims.ac.in

...Respondent No.1

The Director (UDID)
 Department of Empowerment of Persons with Disabilities,
 Ministry of Social Justice & Empowerment

...Respondent No.2

1. Gist of the case:

1.1 Shri Deepak Tolaney, a person with 65% intellectual disability, who filed a complaint dated 16.12.2023 regarding denial of a permanent UDID card despite holding a prior certificate from AIIMS New Delhi; he faced repeated procedural hurdles and redirections during the application process.

1.2. A notice us 75 & 77 of the RPwD Act, 2016 was issued on 26.12.2023 and in response the Respondents vide communication dated 01.01.2024 stated that duplicate Aadhaar-based applications caused rejection and advised in-person verification at the Psychiatry Department, AIIMS discouraging reapplication. The DEPwD vide e-mail dated 07.01.2025 informed that Disability certificate and UDID card has already been issued to the Complainant.

2. Hearing (I): During the first hearing on 22.04.2025, discrepancies were noted in the Complainant's disability classification. The same was acknowledged by the AIIMS as a possible error and agreed to reassess, but subsequent delays occurred as the Complainant could not attend the scheduled appointment due to illness and was unable to meet the concerned doctor despite multiple attempts. No

further response was filed by the Respondent.

3. Hearing (II): A hearing in hybrid mode was conducted on 28.11.2025; the following parties/representatives were present during the hearing:

Sl. No.	Name of the parties /Representatives	Parties	Mode
1.	Shri Deepak Tolaney	Complainant	Physical
2.	Ms Geetu Tolaney, Sister of Complainant	Complainant	Physical
3.	Shri Rohit Verma, Professor, Psychiatry at AIIMS, Delhi	For Respondent	Online

4. Proceedings of the hearing:

4.1. During the hearing, the Complainant submitted that multiple historical certificates establishing permanent intellectual disability (50%) issued under the earlier law continue to remain valid under the current framework, and that reassessment is unnecessary and contrary to law. It was further submitted that the UDID card and certificate issued in 2023 are inconsistent and incongruent. The Complainant also alleged that the application category was altered from "Intellectual Disability" to "Mental Illness." Additionally, repeated attempts to undergo reassessment were hindered due to the non-availability of the concerned doctors and lack of coordination between departments.

4.2 The Respondent No. 1, submitted that an opportunity for reassessment had been provided, and an appointment was duly scheduled. In the event of a missed appointment, the Complainant could obtain a fresh date from the OPD. It was further submitted that the latest certificate issued in 2023 certifies 85% disability under the category of "Mental Illness." No objection was raised to reassessment; rather, it was stated to be necessary for clarifying the appropriate diagnostic category. It was also submitted that, under the current law, "Intellectual Disability" and "Mental Illness" are separate categories requiring proper reassessment.

5. Observations and Recommendations:

5.1 The Court noted that certificates issued under earlier enactments may retain validity; however, for purposes of UDID and categorization under the RPwD Act, 2016, alignment with current classification is necessary. There appears to be *prima facie* inconsistency between earlier certifications indicating *intellectual disability* and recent certification (2023) indicating *mental illness (85%)*. Further, confusion exists between UDID Card, UDID Certificate and application category. Such inconsistencies necessitate authoritative clarification.

5.2 The Court is of the view that under the RPwD Act, 2016, intellectual disability and mental illness are distinct categories. Proper classification has legal implications for entitlements. Reassessment by a competent medical board is the most appropriate mechanism to resolve contradictions.

5.3 The case records indicate that an appointment was scheduled and Complainant could not attend due to personal constraints, mechanism for rescheduling existed. Thus, it cannot be conclusively held that opportunity was denied.

5.4. In view of the above, the Complainant and Respondent No. 1 are recommended the following:

5.4.1. The AIIMS, New Delhi is recommended to constitute a fresh Medical Board including Psychiatrist, Clinical Psychologist and Specialist in Intellectual Disability.

5.4.2. The Complainant shall undergo comprehensive reassessment. Assessment may determine: correct diagnostic category (Intellectual Disability / Mental Illness / Multiple Disabilities) Extent of disability as per RPwD Act, 2016 guidelines.

5.4.3. The Respondent may provide prior intimation with fixed date and time to ensure minimal inconvenience to the Complainant and also to provide assistance for coordination, if required.

5.4.4. Respondent No. 1 & 2 are advised that post reassessment, a clear and reasoned disability certificate shall be issued. Accordingly, UDID Card shall be updated. Inconsistency between certificate and UDID must be rectified, if any.

5.4.5. If aggrieved by the outcome of reassessment, the Complainant is at liberty to approach this Court again.

6 . In terms of Section 76 of the Act, the Respondent(s) are recommended to submit the Action Taken Report within 03 months from the date of this Order.

7. Accordingly, the case is disposed of.

(S. Govindaraj)
Commissioner for Persons with Disabilities