



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

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Case No. 14466/1121/2023

In the matter of-

Shri Priyank Agrawal

...Complainant

Versus

The Medical Superintendent,
Dr. Ram Manohar Lohia Hospital
Baba Kharak Singh Marg,
Near Gurudwara Bangla Sahib,
New Delhi

...Respondent

1. Gist of the case:

1.1 The Complainant vide complaint dated 23.08.2023 submitted that he applied for a UDID card on 28.09.2022 at RML Hospital, Delhi, under the Mental Illness category. He has been receiving treatment for schizophrenia since 24.02.2021.

1.2 Despite scoring 40% disability on the Indian Disability Evaluation and Assessment Scale (IDEAS) test during an assessment on 19.10.2022, his application was rejected, citing a disability percentage lower than 40%. Following the rejection, RML Hospital issued a letter stating that this was a human error, and the disability would be corrected.

1.3 When Complainant followed up, he was given a second referral sheet and advised to meet with the Chairman, Mr. R P Beniwal. Instead of rectifying his report, he was told to be admitted for a second assessment, which contradicts the prior statement about correcting the

report. Complainant feels the hospital is delaying the issuance of his UDID card and causing physical and mental distress.

2. Notice issued to the Respondent:

A Notice dated 12.09.2023 was issued to the Respondent for forwarding their comments on affidavit on the complaint within 30 days to this Court u/s 75 & 77 of the Rights of Persons with Disabilities Act, 2016.

3. Reply from the Respondent:

3.1 Reply received from the Respondent dated 04.10.2023 submitted that Complainant was initially assessed by Dr. Vandana Shriharsh, who certified his disability as less than 40%. After appealing the rejection, he was advised to return for re-evaluation. During the re-assessment with Ms. Kritika Suri, he opposed the process, stating he needed the Disability Certificate to use against his employer for discrimination claims due to habitual lateness at his Government job.

3.2 Complaint was advised to bring a reliable informant and possibly undergo a detailed psychodiagnostics evaluation, but Complainant failed to show up for the examination. Despite filing complaints with multiple authorities, he missed two further Psychiatry Board appointments on 16 June and 14 July 2023.

4. Rejoinder from the Complainant:

4.1 The Complainant vide rejoinder dated 17.10.2023 submitted that reply dated 04.10.2023 of the Respondent to this Court contains false information. It incorrectly claims Complainant's disability was under 40%, but Respondent had acknowledged a human error and confirmed Complainant's disability is 40%, based on an IDEAS score of 7.

4.2 Complainant also submitted that he didn't attend the second assessment due to prior communication of the correction and concerns about the integrity of the assessment process. The hospital failed to provide a temporary disability certificate despite acknowledging Complainant's schizophrenia.

4. Hearing (I): A hearing in hybrid mode was held on 08.04.2025 wherein the Complainant, Dr R.P Beniwal, Professor, Department of

Psychiatry and Dr. Shipra Chaudhary, In-charge, Disability Board were present.

5. Proceedings of the Hearing:

5.1 The Complainant challenged an incorrect disability score (IDEAS score of 7) due to human error. Though the error was acknowledged, the Respondent required a second assessment as the original doctor had left. Despite being given two chances, the Complainant initially refused a reassessment, insisting on certificate issuance based on previous records, but later agreed.

5.2 The Court recommended the Respondent to complete the reassessment and upload the result within 20 days and a copy of the certificate is to be sent to the Court, and the Complainant to appear for reassessment with a caregiver as scheduled.

6. Action taken by Respondent against RoP dated 08.04.2025:

6.1 Respondent filed their response dated 14.05.2025 and submitted that Mr. Priyank Agrawal, a 33-year-old male, was evaluated by a Medical Board on April 23, 2025. He has been diagnosed with schizophrenia, incomplete remission (F20.04), and is compliant with treatment. His current IDEAS score is 5, indicating a mental disability of less than 40%.

6.2 As this does not qualify as a benchmark disability, he is ineligible for a UDID certificate, and his application will be rejected by the UDID portal.

7. Hearing (II): A hearing in hybrid mode was held on 25.06.2025 wherein the Complainant (along with his Mother) and Dr. Umesh, Link Officer, Disability Board were present.

8. Proceedings of the Hearing:

8.1 The Court noted that despite earlier directions, the Respondent had not updated the Court on issuance of the Complainant's disability certificate. The Respondent said the UDID Portal does not allow certificates for mental illness below 40% disability. The Court held that this is not supported by law, as rights apply to all persons with disabilities, not just benchmark disabilities.

8. Hearing (III): A hearing in hybrid mode was held on 19.05.2026. Following parties/representatives were present during the hearing:

Sl. No.	Name and Designation of the Attendees	On Behalf of	Mode
1.	Shri Priyank Agrawal	Complainant	Online
2.	Prof. Gautam Sharma, Specialist (Psychiatry) Dr. RML Hospital, New Delhi	Respondent	Online

9. Proceedings of the hearing:

9.1 From the submissions and records placed before this Court, it emerges that the complainant was initially assessed and the first assessment reflected an IDEAS score equivalent to benchmark disability above 40%. Subsequently, the respondent institution stated that there had been an error in communication between the Clinical Psychologist and the Medical Board, and a second assessment reflected an IDEAS score of “5”, allegedly below benchmark disability.

9.2 Based on the second assessment, a rejection letter dated 14.05.2025 was issued stating “No Benchmark Disability”. The complainant submitted that the issue before this Court is not confined merely to benchmark disability, but also relates to issuance of disability certificate and recognition of disability rights under the Rights of Persons with Disabilities Act, 2016.

9.3 During the hearing, it was further submitted that the UDID portal does not permit issuance of disability certificate for mental illness below 40% disability.

10. Observations and Recommendations:

10.1 This Court records that such a position is not legally sustainable. The Act recognizes the rights of all persons with disabilities and not merely persons with benchmark disabilities. Section 2(s) of the Act defines “person with disability”, whereas Section 2(r) separately defines “person with benchmark disability”.

10.2 This Court also notes with concern that despite earlier recommendations, the Respondent authorities failed to properly update this Court regarding the present status of the complainant's disability certificate application and the precise steps taken pursuant to previous proceedings. At the same time, this Court observes that there exists inconsistency between the first and second assessments, and the Respondent institution itself acknowledged discrepancy in the earlier evaluation process.

10.3 In view thereof, and with the consent of the complainant during hearing, this Court considers it appropriate that one final transparent reassessment be conducted so as to conclusively determine the complainant's disability status.

10.4 Accordingly, in exercise of powers under Sections 75 and 77 of the Act, the Court recommended that the Respondent Hospital/medical authority shall conduct a final reassessment of the complainant through a duly constituted Medical Board in a fair, transparent and reasoned manner. The complainant shall cooperate and remain present for the assessment on the earliest scheduled date, as provided by the Hospital.

10.5 The Respondent shall ensure that the **assessment report, along with speaking recommendations and disability percentage**, shall be forwarded to this Court **within 30 days from the receipt of this Order**. Further, the Respondent shall maintain complete transparency in the reassessment process and provide all relevant documents and assessment records to the complainant in accordance with law.

11. Accordingly, the case is disposed of.

Digitally signed by
S Govindaraj
Date: 19-09-2026
10:43:45

(S. Govindaraj)
Commissioner for Persons with Disabilities