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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 1748/2018**

**AKSHANSH GUPTA**

..... Petitioner

Through

Mr.Sadiya Rohma Khan, Adv.

Versus

**DEPARTMENT OF SCIENCE & TECHNOLOGY  
& ORS**

..... Respondent

Through

Mr.Manish Mohan, CGSC with  
Mr.R.M. Tripathi, Adv. for R-1, 2 &  
4.

Mr.Apoorv Kurup, Adv. with

Ms.Isha

Mital, Adv. for R-3/UGC.

**CORAM:**

**HON'BLE MS. JUSTICE REKHA PALLI**

**ORDER**

% **26.02.2018**

**W.P.(C) 1748/2018**

Vide order dated 23<sup>rd</sup> February, 2018, this Court had after noticing the fact that the petitioner is a disabled person suffering from Cerebral Palsy (Orthopedic-Quadriplegic) Disability who being desirous of applying under the INSPIRE Faculty Scheme introduced by respondent no.1, was unable to apply for the same in view of the upper age limit of 32 years as on 1<sup>st</sup> January, 2018 prescribed in the Scheme, granted time to the learned counsel for the respondents to

get instructions.

Today, learned counsels for the respondents after obtaining instructions submit that the said Scheme cannot be treated as equivalent to educational institute as the respondents only grant assistance to suitable candidates to carry out their research and, therefore, contends that the age relaxation as envisaged under Section 32 of the Rights of Persons with Disability Act, 2016, cannot be granted to the petitioner. He, however, prays for time to file counter affidavit and reply to interim application also.

Counter affidavit be filed within four weeks. Rejoinder thereto, if any, be filed within two weeks thereafter.

List on 27<sup>th</sup> April, 2018.

**C.M. No.7241/2018**

Vide the present application, learned counsel for the petitioner while referring to the petitioner's luminous academic records including Senior Research Fellowship from Council of Scientific and Industrial Research, in 2012 & the National Eligibility Test (NET) Certificate for teaching in Computer Science from University Grants Commission, submits that since the last date for registration under the INSPIRE Faculty Scheme is 28<sup>th</sup> February, 2018, the petitioner will suffer irreparable loss in case the petitioner is not allowed to apply under the said Scheme. She submits that in case the petitioner is granted the aforesaid relaxation of five years which is claimed in the petition, he will be very much eligible for the Scheme.

Issue notice. Mr.Manish Mohan, Advocate accepts notice on behalf of Respondent Nos.1, 2 and 4 and Mr.Apoorv Kurup,

Advocate accepts notice on behalf of Respondent No.3. Reply, if any, to this application be filed by the respondents within four weeks. Rejoinder thereto, if any, be filed within two weeks thereafter

Having heard learned counsel for the parties, I am of the prima facie opinion that physically disabled students like the petitioner should not be deprived of the opportunity to take benefit of such welfare schemes introduced by the Government itself. I am also of the view that grave and irreparable loss would be caused to the petitioner in case, he is not allowed to apply for the said Scheme during the pendency of the present writ petition.

Accordingly, the petitioner is permitted to apply for the said Scheme. The respondents are directed to consider his candidature by ignoring the fact that the petitioner is overage as per the Scheme. However, it is made clear that the consideration of the petitioner's application would be subject to the outcome of the present petition.

It is also made clear that merely because the petitioner is permitted to apply under the subject Scheme, the same shall not create any special equity in his favour and the final eligibility of the petitioner will be determined only after hearing both parties upon completion of pleadings.

It is also clarified that this interim protection to the petitioner to apply under the Scheme is made in the peculiar facts of the case and the same will not be treated as a blanket relaxation to the petitioner for applying under any other Scheme where the petitioner is not able to meet the age criteria.

List on 27<sup>th</sup> April, 2018.

Copy of this order be given dasti under the signatures of the  
Court Master.

**FEBRUARY 26, 2018/aa**

**REKHA PALLI, J**