

13.08.2025
Item Nos.1 to 3
RP/Saikat
& PG/KS
Ct. No.1

W.P.A.(P) 20 of 2020
With
IA No. CAN 1 of 2023
+
CAN 2 of 2023
Muscular Dystrophy Patient Welfare Society & Anr.
-Vs.-
Ministry of Health & Family Welfare
Government of India & Ors.

With
W.P.A. 6300 of 2023
Yuvaan Singh & Ors.
-Vs.-
Union of India & Ors.
With
W.P.A.(P) 9 of 2023
Parivaar Bengal & Anr.
-Vs.-
State of West Bengal & Ors.

Ms. Nandini Mitra
Ms. Saloni Bhattacharyya
Ms. Gulsanwara Pervin

.....For the Petitioners
in
(W.P.A.(P) 20 of 2020)

Mr. Biswaroop Bhattacharya
Mr. Sidhdhatha Sankar Mandal
Ms. Arunima Das Sharma

.....For the Petitioners
in
(W.P.A. 6300 of 2023)

Mr. Kaushik Gupta
Ms. Srimoyee Mukherjee

.....For the Petitioners
in
(W.P.A.(P) 9 of 2023)

Mr. Asok Kumar Chakraborti, Ld. A.S.G.
Mr. Arijit Majumder
Mr. Tirthapati Acharya

.....For the U.O.I.
in
W.P.A.(P) 20 of 2020)

&
W.P.A. 6300 of 2023

Mr. T. M. Siddique
Mr. Suddhadev Adak
Mr. T. Chakraborty
Ms. Richa Pramanik

.....For the State
in
(W.P.A.(P) 20 of 2020)

Mr. T. M. Siddique, Sr. Adv.
Mr. Nilotpal Chatterjee
Mr. S. Adak

.....For the State
in
(W.P.A.(P) 9 of 2023)

Mr. Tapan Kumar Mukherjee, Sr. Adv.
Mr. Somnath Naskar

.....For the State
in
(W.P.A. 6300 of 2023)

1. Reference may be made to the order dated 22nd July, 2025, in which the directions issued earlier were referred to and certain further directions were also issued, which we deal with in this order chronologically.
2. The first issue, which we wish to take up with regard to the difficulty, which is highlighted in obtaining UDID Card. It was submitted that different hospitals follow different operating procedure and there was no standard norm and that one of the Government hospitals insists upon the residential certificate to be issued by the Councillor of a Municipality or Pradhan of a Panchayat. Taking note of the said submission it was directed that all hospitals in the State of West Bengal should adopt a uniform procedure with

regard to production of details for obtaining UDID Card and definitely a certificate from a Councillor of the Municipality or Pradhan of Panchayat should not be insisted upon but other records can always be accepted such as Aadhaar Card, Voter Card, PAN Card, Bank Passbook, Driving Licence of the parents of the patients suffering from rare disease. In this regard, the appropriate authority of the State Government was directed to pass appropriate orders and the order was directed to be placed before this Court. On an earlier occasion the Court took into consideration the Standard Operating Procedure (SoP) framed by the Government of India, Ministry of Social Justice and Empowerment (Department of Empowerment of Persons with Disabilities) dated 13th June, 2024. This SoP was to handle the cases, the type or percentage of disability or both of PwD has changed; or where PwD, who has already been issued UDID Card/Disability Certificate migrates permanently to other States or UTs.

3. The learned senior counsel appearing for the petitioners in WPA(P) 9 of 2023 has placed a note highlighting the difficulties faced by one of the persons suffering from disability, where the said person had followed the SoP and accessed the UDID portal. Upon entering all the required details, thereafter, the previous UD Card was surrendered

and receipt of such surrender was downloaded and printed out. It appears that the said person had visited N.R.S. Medical College and Hospitals on 7th August, 2025, at about 02.30 p.m. and approached the office of the Medical Board of the said hospital but they did not have any information regarding surrender of UDID Card and they also mentioned that they were not aware of SoP or notification. After producing the copy of the notification and the orders passed by this Court it is stated that the officials evinced interest and came to the assistance of the said person. However, the entire details of the said person was transferred from N.R.S. Hospital to Birbhum Zilla Hospital on account of error recording the district as Birbhum in the disability certificate, whereas other details of the person reflects the place of residence at Khidirpur, Kolkata. It appears that the officers of the Medical Board at NRS hospital have sent a WhatsApp message to Birbhum hospital requesting them to forward back the data of the said person, namely, Soumyadeep Chakraborty to NRS hospital and the said person is awaiting further action.

4. A copy of the note has been handed over to Mr. Mukherjee, learned senior advocate appearing for the State. The appropriate authority of the State Government shall look into the matter and take effective steps to remedy the difficulty.

Furthermore, all the concerned officials of the Medical Board of the various hospitals be sensitised about the terms and conditions mentioned in the SoP and other related notifications so that such errors do not occur in respect of other PWD candidates. That apart, the State Government has to also fix strict time lines within which the process will be completed after surrendering all UDID Cards, in cases where persons of disabilities are increased. We are aware of the fact that the assessment has to be done by a Medical Board before a fresh certificate is issued. However, a person should not wait endlessly. A timeline should be fixed within which a Medical Board has to be constituted for the persons to be examined and in our opinion, a time limit of ten days would be reasonable, so that further compliance can be done and a fresh Card can be issued not less than fifteen days from the date on which a Medical Board examines the fitness of the concerned person.

5. In our order dated 1st July, 2025, a suggestion was made to the State Government to consider for providing a stipend of Rs.5000/- per person suffering from rare disease and the appropriate authority of the State Government was granted liberty to respond to the suggestion put forth by the Court by filing a report in the form of affidavit. Mr. Mukherjee, learned

senior advocate appearing for the State submitted on the last occasion that is on 22nd July, 2025, that the matter is under active consideration of the State Government. Today, in course of submission it is stated that the appropriate authority of the State Government would like to know as to how many number of persons to whom stipend of Rs.5000/- has to be disbursed. We are informed by the learned advocate appearing for the petitioners that as of now there are 573 persons are registered in the portal, who are suffering from rare disease and out of 573, 310 persons are suffering from muscular dystrophy for whom stipend has to be increased as per suggestion of this Court. Since the number of persons who are likely to be affected in future cannot be ascertained, for the present State Government can arrive at an approximate figure, which in our opinion, can be 500 persons and appropriate steps be taken by various authorities of the State Government, so that funds are made available under a particular head of account and disbursed to the person who are entitled to such stipend upon causing verification of the requisite details. In this regard, let a report in the form of affidavit be filed by an appropriate authority of the State on the next date of hearing.

6. One more issue, which has been pointed out is, that as of now, the special clinic for persons with rare disease is being conducted once in a week, which according to the petitioners is inadequate. We also feel so. The appropriate authority of the State Government shall consider to increase the clinic to at least 2 days in a week and in this regard, a report can be filed by the appropriate authority of the State Government on the next hearing date as regards its feasibility and other connected aspects.
7. Earlier, suggestion was put forth for providing wheel chairs for the use of the persons suffering from rare disease and the learned advocates were benevolent enough to come forward with contributions and as of now, the contribution to cover the cost of 10 wheel chairs has been received by the petitioners/society. The writ petitioners/society shall purchase 10 wheel chairs and distribute them preferably on 7th September, 2025, which is marked as the '*Rare Disease Day*'. As and when future contributions are received, the Society shall continue to purchase the wheel chairs and distribute the same to the persons suffering from rare disease.
8. However, the writ petitioners/Society is directed to address letters to the persons, who have contributed appreciating their gestures.

9. The petitioners/Society is at liberty to bring to the notice of the three Wings of the Bar about the suggestions made by this Court in its order dated 22nd July, 2025 suggesting that it is open to the other members of the Bar to also come forward to make contributions, if they so desire for the purpose of purchasing wheel chairs for the person suffering from rare disease. This can be brought to the notice of the three Wings of the Bar and other stakeholders.
10. By our order dated 1st July, 2025 in paragraph 7, a recommendation was made for five-bedded ICU unit to be provided at the ground floor at the Kolkata Police Hospital of which three beds can be reserved for patients suffering from Muscular Dystrophy and the remaining two ICU beds for the persons suffering from other rare diseases. In this regard, when the matter was taken up on 22nd July, 2025, the Court was informed about the response given by the Head of the Department of Neonatology, Nodal Officer, COE of Rare Disease IPGME & R, SSKM Hospital, Kolkata dated 22nd July, 2025, which we found to be encouraging as detailed project report with site drawings and vetted estimates and financial implications will be submitted shortly. It is submitted on behalf of the petitioners that there is not appreciable progress in this regard.

11. The Principal Secretary, Government of West Bengal, Health and Family Welfare Department shall examine this aspect and we would request the Principal Secretary to give his personal attention to this matter so that the five bedded ICU Unit is established in the Kolkata Police Hospital as suggested in the ground floor.
12. In paragraph 20 and 21 of the order dated 22nd July, 2025, we had mentioned about the installation of sleep study equipment alongwith bipap machine. In this regard, a report shall be filed by the appropriate authority of the State Government conveying their consent to accept the equipments, which will be donated by the various Chambers of Commerce and other Philanthropic Organizations. If these equipments are not accepted by the Government and brought into its inventory, then the maintenance of the equipments cannot be taken care of, which should be taken care of by the Government. In this regard, appropriate orders be passed by the concerned authority and placed before this Court expressing their willingness to accept the equipments, which will be donated by the Chambers of Commerce and other Philanthropic Organizations and will be inventorized as Government assets in their books.

13. List these matters on 27th August, 2025 under the same caption.

(T.S SIVAGNANAM)
CHIEF JUSTICE

(CHAITALI CHATTERJEE (DAS), J.)