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

+ W.P.(C) 14922/2024 & CM APPL. 62605/2024

ANU ARAVIND P

.....Petitioner

Through: Mr. Dushyant Kishan Kaul, Mr.  
Jaimon Andrews and Ms. Piyo  
Harold, Advocates.

versus

DEPARTMENT OF EMPOWERMENT OF PERSONS WITH  
DISABILITIES MINISTRY OF SOCIAL JUSTICE AND  
EMPOWERMENT

.....Respondent

Through: Ms. Monika Arora, CGSC with Mr.  
Subhrodeep Saha, Ms. Radhika  
Kurdukar, Advocates and Ms. Seema  
Singh, GP for R-1.

**CORAM:**

**HON'BLE MR. JUSTICE SANJEEV NARULA**

**ORDER**

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**23.10.2024**

1. The present writ petition impugns the communication dated 10<sup>th</sup> October, 2023 bearing Letter No. 30-66/2023 DDIII<sup>1</sup> issued by Respondent No. 1 - Department of Empowerment of Persons with Disabilities (Divyangjan), Ministry of Social Justice and Empowerment. Through this communication, the Petitioner's representation for inclusion of the Mayer-Rokitansky-Küster-Hauser<sup>2</sup> syndrome as a specified disability under the Rights of Persons with Disabilities Act, 2016<sup>3</sup>, has been declined.

2. The Petitioner contends that she is suffering from the MRKH Type-II

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<sup>1</sup> "Impugned communication"

<sup>2</sup> "MRKH"



Syndrome, which is categorised by congenital aplasia of the reproductive organs in women, showing normal development of secondary sexual characteristics and a normal 46, XX karyotype. It is submitted that females suffering from this condition are unable to have biological children. This, according to Petitioner, fulfils the requirement for being considered as a benchmark disability under Section 2(r) of the RPWD Act. In order to support this contention, the Petitioner places reliance on the ‘Disability Assessment Board Certificate’ dated 8<sup>th</sup> March, 2018, issued by Health Services Department, Government of Kerala wherein they have identified the disability of the Petitioner to be ‘moderate’.

3. Ms. Monika Arora, CGSC representing Respondent No. 1 - Union of India, highlights that the reason for rejection of the Petitioner’s representation by referring to the impugned communication. She submits that if the MRKH Syndrome would manifest into an impairment in long term, leading to restrictions in daily life, the same is already covered as ‘specified disability’ under the RPWD Act, and therefore MRKH Syndrome itself may not be required to be separately included as a ‘specified disability’ under the RPWD Act.

4. In light of the submissions urged by the counsel for the parties, in the opinion of the Court, the present petition would require consideration.

5. Issue notice. Ms. Monika Arora, CGSC, accepts notice on behalf of Respondent No. 1. Counter affidavit, if any, be filed within a period of four weeks from today. Rejoinder thereto, if any, be filed within a period of two weeks thereafter.

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<sup>3</sup> “RPWD Act”



6. Issue notice to the remaining Respondents, upon filing of process fee, returnable on the next date of hearing. On service, such Respondents shall file counter affidavit within a period of four weeks from the date of service.
7. Re-notify on 09<sup>th</sup> January, 2025.

**OCTOBER 23, 2024**  
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**SANJEEV NARULA, J**

*This is a digitally signed order.*

*The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.*

*The Order is downloaded from the DHC Server on 25/10/2024 at 16:06:43*