

IN THE SUPREME COURT OF INDIA**CIVIL APPELLATE JURISDICTION****CIVIL APPEAL No.3886 OF 2022****(Arising out of SLP (C) No.24683 of 2018)****NAMAN VERMA****Appellant****VERSUS****THE DIRECTOR, THE INDIAN INSTITUTE OF TECHNOLOGY
BOMBAY & ORS.****Respondents****O R D E R**

1. This appeal challenges the judgment and order dated 17.04.2018 passed by the High Court of Judicature at Bombay in Writ Petition No.6818 of 2013.

2. Claiming to be suffering from 'learning disabilities' known as "Dyscalculia", the appellant preferred the aforestated writ petition praying for following principal relief:

"(a) this Hon'ble Court may please issue a writ of mandamus or any other appropriate writ, order or direction under Article 226 of the Constitution of India directing the Respondent to take the petitioner into course of Master Design in 2013 batch."

3. Under the interim orders passed by the High Court, her candidature was directed to be considered and the appellant was admitted to the course of Master in Design.

4. With the passage of time, the appellant completed the course successfully.

5. However, when the writ petition was taken up for final disposal, after considering various issues, the entitlement of the appellant under the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 ("1995 Act" for short) was not accepted.

6. The High Court was then confronted with the issue as to what would be the fate and what directions can be passed when the appellant had completed the course under the interim directions. While dealing with the issue, the High Court observed as under:

"We are of the view that although the petitioner may be entitled to be declared successful in the course we are unable to grant her any further relief in this petition for want of necessary powers under Article 226 to declare the petitioner as having passed M Des program held by IDC."

7. We have heard Mr. Anand Verma, learned Advocate in support of the appeal, and Ms. Aishwarya Bhati, learned Additional Solicitor General for the respondent.

8. At the outset, it must be mentioned that 1995 Act now stands replaced by the Rights of Persons with Disabilities Act, 2016 ("2016 Act" for short).

9. It is submitted that considering the provisions of the 2016 Act in any event of the matter, the entitlement of the appellant is certainly made out. We need not go into this issue.

10. Though we affirm the view taken by the High Court on the issues of law which came up for determination by the High Court, considering the fact that the appellant has completed the course, we are not persuaded to cancel her candidature so as to put her qualification in jeopardy.

11. We, therefore, exercise our power under Article 142 of the Constitution of India and declare that the appellant has successfully completed the course of Master in Design and that the qualification shall hold good for all practical purposes hereafter.

12. However, at the cost of repetition we make it clear that the judgment rendered by the High Court on questions of law is affirmed and as and when the entitlement of the appellant under the provisions of the 2016 Act is to be considered, the same shall be considered purely in accordance with law.

13. The appropriate steps including handing over of the degree and all other testimonials to the appellant shall be completed within four weeks from today.

14. With these observations, the appeal is disposed of, with no order as to costs.

.....J.
(UDAY UMESH LALIT)

.....J.
(S. RAVINDRA BHAT)

.....J.
(SUDHANSHU DHULIA)

New Delhi,
May 11, 2022