

D/L. 11.  
September 27, 2023.  
MNS.

WPA No. 6653 of 2022

Palash Das  
Vs.  
The State of West Bengal and others

Mr. Sutirtha Nayek,  
Mr. Sandwip Sutradhar,  
Ms. Arunima Das Sharma

... for the petitioner.

1. The petitioner is a citizen of India with 100% disability. His 'Disability Certificate' is annexed at page 22 of the writ petition, which indicates that he is totally incapable to carry out day-to-day activities due to 'Posttraumatic Paraplegia'.
2. Learned counsel for the petitioner points out that despite the State Commissioner for Persons with Disabilities, West Bengal, having written to the District Magistrate and Additional Commissioner for Persons with Disabilities, North 24 Parganas, on August 13, 2020, no steps have yet been taken in terms thereof till date.
3. The order sheet of the present matter shows that the State has taken a palpably nonchalant

attitude in abstaining from hearing of the matter repeatedly.

4. Vide order dated August 16, 2023, it was observed that the respondents were directed to file a report indicating as to the possibility and the current stage of implementation of any scheme intended for economic rehabilitation for adult persons with disabilities.
5. However, even after several dates having elapsed thereafter, no report has been filed as yet.
6. It is found from the communication dated August 13, 2020, annexed at page 45 of the writ petition, that the State Commissioner for Persons with Disabilities, West Bengal, had written to the respondent no. 5 for providing the benefits of a "Scheme for Economic Rehabilitation for the Adult Persons with Disabilities, 2011". The District Magistrate was also directed to give a wheel chair under Prosthetic Aids and Appliances Scheme for the smooth mobility of the petitioner. Further, the hand and upper portion of body of the petitioner were reported to be working, for which a proposal was given for allocating

some space/shop infrastructure near RIC Bazar Post Office, Baranagar, for the petitioner to start some business.

7. The said recommendations of the State Commissioner for Persons with Disabilities were absolutely legitimate and valid. The State cannot shirk its responsibility as *parens patriae*, having liability to look after citizens who are not able to look after themselves for some reason or the other beyond their own control.
8. In such view of the matter, WPA No. 6653 of 2022 is allowed, thereby directing the respondent no. 5 to immediately implement the communication dated August 13, 2020 annexed at page 45, by providing the petitioner a wheel chair under the Prosthetic Aids and Appliances Scheme of the Government of West Bengal as well as allocating a space/shop infrastructure near RIC Bazar Post Office, Baranagar, so that the petitioner can start some business with the help of his wheel chair.
9. It is made clear that in the event the scheme referred to above is not available any more, even then the respondent no. 5 shall provide a

wheel chair to the petitioner at the cost of the State.

10. The respondent no. 1/State of West Bengal shall cooperate with the respondent no. 5 and provide the necessary funds and space in order to comply with the above directions by this court.

11. The entire exercise shall be concluded positively within two months from the date of communication of this order to the respondent no. 5.

12. There will be no order as to costs.

13. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)