

**HIGH COURT OF JAMMU AND KASHMIR  
AT SRINAGAR**

CM No. 3475/2021  
WP(C) No. 1050/2021

Humanity Welfare Organization Helpline.

.....Petitioner(s)

*Through: Mr Syed Musaib, Advocate.*

vs

Union of India & Ors.

.....Respondent(s)

*Through: Mr T.M. Shamsi, ASGI for R-1.  
Mr Shah Aamir, AAG for R-2.  
Mr Feroz Ahmad Sheikh, Dy. AG for R-3.*

**CORAM:**

**Hon'ble Mr Justice Ali Mohammad Magrey, Judge.**

**ORDER**  
**30.06.2021**

**CM No. 3475/2021;**

On the set of facts and the ground urged coupled with submissions made at Bar, the instant application is allowed and requirement of affixing the court fee in the shape of stamps etc. with the petition dispensed with for the time being. However, the deficiency shall be made good as and when Court starts functioning in normal manner. CM *disposed* of accordingly.

**WP(C) No. 1050/2021;**

This petition is filed by one Javed Ahmad Tak on behalf of Humanity Welfare Organization Helpline, representing specially abled persons seeking direction to the respondents to treat all the persons with disabilities as special category and direct the respondents to ensure vaccination of all the disabled persons in terms of the policy of Government of India, Ministry of Health and Family Welfare, as also that of Government of Union Territory of J&K. The

details of the beneficiaries of the organization are given in the writ petition and relief is claimed on the strength of the pleadings with the support of law. The petitioners have made reference to the Rights of Persons with Disabilities Act, 2016, which enables all persons with disabilities certain benefits on priority basis.

Mr Syed Musaib, learned appearing counsel for the petitioners submits that despite having approached the respondents in the shape of representations, no effective action is taken for vaccination of the disabled persons in the Union Territory of Jammu and Kashmir, which formed a ground for seeking indulgence of this Court in the present writ petition. He further submits that the vaccination of the persons with disabilities has become necessary because of threat to their life on account of large number of them getting tested positive because of not being able to adhere to the SOPs.

Before proceeding further in the matter, it has become necessary to seek response from the respondents for the claim made in the petition.

Notice in the main petition as well as in connected CM.

Mr T.M. Shamsi, learned ASGI waives notice on behalf of Respondent No. 1; Mr Shah Aamir, learned AAG waives notice on behalf of Respondent No. 2; and Mr Feroz Ahmad Sheikh, learned Dy. AG waives notice on behalf of Respondent No. 3. Response within one week.

Lists on List on Thursday, the 8<sup>th</sup> of July, 2021.

Meanwhile, the respondents shall take note of the claim of the petitioners made in the writ petition and take effective steps for their vaccination as per the guidelines of Ministry of Health and Family Welfare, Government of India. The Additional Chief Secretary, Health and Medical Education Department shall file affidavit, indicating therein the steps for

ensuring vaccination of the disabled persons in the Union Territory of Jammu and Kashmir. The affidavit shall be filed by or before next date of hearing.

Copy of this order be provided to the learned appearing counsel for the parties under the seal and signature of Bench Secretary, by any available mode.

**(Ali Mohammad Magrey)**  
**Judge**

**SRINAGAR:**  
**30.06.2021**  
*"Hamid"*

