

Party Name : ASHMITA DEBNATH Vs UNION OF INDIA & ORS

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HONBLE THE CHIEF JUSTICE DEEPAK GUPTA THE HONBLE MR. JUSTICE S.TALAPATRA

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In this writ petition, the prayer of the petitioner was that the notification dated 24.08.2006 issued by the Medical Council of India whereby people with locomotor disability in the upper limbs were made ineligible to undergo the MBBS course is under challenge.

Ms. S. Deb Gupta, learned counsel has fairly brought to our notice the judgment of the apex court dated 24.08.2011 whereby this notification has been upheld.

In the case before the apex court, the High Court had set aside the notification and directed that the petitioner be admitted. The apex court set aside the order of the High Court holding that the notification issued by the Medical Council was invalid. Though the Apex Court upset the judgment of the Delhi High Court and held the notification to be valid it permitted the persons who had been admitted to continue. But the law has been settled by the apex court in the following terms:

“In view of this subsequent event, these appeals, have become infructuous and are disposed of making it clear that the reservation for physically handicapped will be regulated in the manner provided in the amended MCI Regulations and not in the manner directed by the High Court.”

In view of the law laid down by the apex court, there is no merit in this petition which is accordingly dismissed.