

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (C) No. 2301 of 2018**

Saurabh Manhare S/oPrakash Manhare, aged about 19 years, R/o Main Road,  
Village Raseda, Post Raseda, District Balodabazar-Bhatapara, Chhattisgarh

**---- Petitioner****Versus**

1. State of Chhattisgarh Through The Director, Directorate of Medical Education, Chhattisgarh, Dau Kalyan Singh Bhawan, Chhattisgarh, District Raipur, Chhattisgarh.
2. Chhattisgarh State Medical Board, Directorate Medical Education Chhattisgarh Dau Kalyan Singh Bhawan, Chhattisgarh, District Raipur, Chhattisgarh.
3. Medical Council of India, Through the President of India, Pocket 14, Sector 8, Dwarka Bhawan, Phase 1, New Delhi 110 077

**---- Respondents**


---

For Petitioner : Shri N.K.Malviya, Advocate.  
For Respondent/State : Shri UNS Deo, Government Advocate.  
For Respondent No. 3 : Ms. Anubhuti Marhas, Advocate.

---



---

**Hon'ble Shri Ajay Kumar Tripathi, Chief Justice**  
**Hon'ble Shri Prashant Kumar Mishra, Judge**

---

**Order on Board****Per Ajay Kumar Tripathi, Chief Justice****13/08/2018**

1. Heard counsel for the parties.
2. Writ application was filed by the Petitioner when despite being successful in the NEET-2018 examination, he was not allowed to participate in the counselling under the Physically Handicapped category in absence of a disability certificate. The first round of counselling is over.
3. Petitioner is supposed to be suffering from Dwarfism which is also being treated as a disability but then the person claiming the benefit has to obtain necessary certification from the State Medical Board and it is the non-decision despite request which has created a litigation.
4. On the direction of the Court, the State Medical Board has conducted physical examination of the Petitioner on 11.08.2018 and they have

opined that the Petitioner, who is about 19 years of age is suffering from Dwarfism with a height of 4 feet 4 inches which, in terms of the gazette notification issued by the Government of India dated 04.01.2018, has been assessed with 24% of disability.

5. A perusal of the gazette notification would show that there is a kind of mathematical formula and a chart which has been provided for by the Central Government while assessing the cases of Dwarfism and there is not much subjectivity involved when an assessment is made by the Medical Board.
6. The disability of 24% obviously does not accrue to his benefit, therefore, this writ application now stands disposed off since the primary prayer made in the writ application has already been achieved by production of a disability certificate of the State Medical Board by the State in its reply i.e. the covering memo.

Sd/-  
(Ajay Kumar Tripathi)  
**CHIEF JUSTICE**

Sd/-  
(Prashant Kumar Mishra)  
**JUDGE**