

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

THE HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

and

THE HON'BLE MS JUSTICE J. UMA DEVI

Writ Petition No.29878 of 2018

Between:

Ms. Amreen Fatima, D/o Mr. Meer Mohd. Masiuddin,
aged about 19 years, Occ: Student, H.No.5-5-71/3,
Ghouse Pura Colony, Darusalam, Hyderabad.

... Petitioner

Vs.

The State of Telangana, represented by its
Principal Secretary, Health, Medical & Family Welfare
Department, Secretariat Building, Hyderabad and another

.. Respondents

For Appellant : Mr. B.V.V.S. Murthy,

For Respondents : Mr. A. Prabhakara Rao, standing counsel
G.P. for Medical and Health (TG)

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

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HON'BLE MS. JUSTICE J. UMA DEVI

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ORDER: (V. Ramasubramanian, J)

Aggrieved by the failure of the University to consider her candidature for admission to I year MBBS course under the quota reserved for physically challenged persons, the petitioner has come up with the above writ petition.

2. Heard Mr. B.V.V.S. Murthy, learned counsel for the petitioner. Mr. A. Prabhakara Rao, learned standing counsel takes notice for respondents 2 and 3-University and the learned Government Pleader for Medical and Health (Telangana) takes notice for the 1st respondent.

3. On the basis of a certificate of disability issued by the competent authority in terms of G.O.Ms.No.31, dated 01-12-2009 to the effect that the petitioner suffers from a disability in the right lower limb to the extent of 48%, the petitioner sought the benefit of reservation under physically handicapped category for admission into Medical Courses. Her certificate as well as her person were examined by the team of doctors constituted by the University in terms of the prospectus. The team of doctors, after examining the person of the petitioner, came to the conclusion that the percentage of disability was only 5%. To be eligible for the benefit of reservation, the percentage of disability should range from 40% to 50%.

Therefore, the petitioner's case for the benefit of reservation stood rejected.

4. The nature of the disability suffered by the petitioner is indicated in the certificate of the Medical Board constituted by the University reads as follows:

“Post operative fracture of shaft of right femur with 2cm. shortening of right lower limb.”

5. In view of the above, the percentage of the disability is estimated at 5%. In such circumstances, when the authority of the University to refer the certificate as well as the person producing a physical disability certificate to a Medical Board constituted by the University is not in question, it may not be possible for the Court to adjudicate upon the correctness of the certificate originally produced by the petitioner vis-à-vis the assessment now made by the team of doctors of the University. This is an area where the court cannot tread upon. Therefore, we are unable to grant any relief to the petitioner.

Hence, the writ petition is dismissed. No costs.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

J. UMA DEVI, J

Date: 23-08-2018

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