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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 30.08.2018

W.P.(C) 9168/2018

RAJ LUXMI

..... Petitioner

versus

UNION OF INDIA AND ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Jeetendra Gupta, Advocate.

For the Respondents : Mr. Ripu Daman, CGSC with Mr. T.P. Singh, Advocate for R-1 and 2.
: Mr. T. Singhdev and Mr. Abhijit Chakravarty, Advocates for R-3.
: Mr. Amit Bansal and Ms. Seema Dolo, Advocates for R-4.
: Mr. Mohinder J.S. Rupal, Advocate for R-5.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

J U D G M E N T

SIDDHARTH MRIDUL, J (ORAL)

1. The present petition instituted under Article 226 of the Constitution of India prays as follows:-

a) Issue a writ of mandamus or any other appropriate writ, order or directions to the respondents to grant admission to petitioner in MBBS Course for the Session 2018-19 in Respondent no. 6 medical college or such medical college in terms of petitioner's rank in National

Eligibility Cum Entrance Test (NEET) 2018 under the Physically Handicapped (PH) category and as per the disability certificate issued by the competent authority;

b) Any other relief which this Hon'ble Court deems fit and proper in the circumstance of the case.

2. Learned counsel appearing on behalf of the petitioner urges that the petitioner having successfully appeared in the CBSE-NEET (UG) 2018, is entitled to admission to a Medical College under the Physically Handicapped (PH) category. In addition, the petitioner is also stated to belong to a backward class.

3. The petitioner was granted provisional allotment of seat on 20.08.2018 in the mop-up round of counseling to the Jawahar Lal Nehru Medical College, Aligarh Muslim University in the M.B.B.S. course under the (PH) category.

4. Subsequent thereto, although she presented herself before the said institution, the latter denied her admission on 26.08.2018.

5. Issue notice. Counsel as above accept notice.

6. The entitlement of candidates, such as the petitioner, who belong to the Physically Handicapped (PH) category, to be granted admission to educational institutions conducting under graduate medical course, such as the M.B.B.S. is no longer *res-integra*. [Ref: ***Purswani Ashutosh (Minor) through Dr. Kamlesh Virumal Purswani Vs. Union of India & Ors.*** in W.P. (C) No. 669/2018,

decided on 18.07.2018 by the Hon'ble Supreme Court and ***Tina Sharma (Minor) Through her Father Bhagwati Prasad Sharma Vs. Union of India & Ors*** in W.P. (C) No. 7820/2018, decided on 31.07.2018 by this Court.

7. In that view of the matter, the present writ petition is allowed, the Medical Counseling Committee, respondent No. 2 herein is, therefore, directed to include the petitioner in the stray vacancies round of counseling, currently ongoing and grant her admission on her merit, in the Physically Handicapped (PH) category.

8. Mr. Ripu Daman, learned CGSC appearing on behalf of the Medical Counseling Committee undertakes to communicate the order passed by this Court today to the Director General of Health Services.

9. With the above directions writ petition is disposed of.

SIDDHARTH MRIDUL
(JUDGE)

AUGUST 30, 2018
p'ma