

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9216 OF 2019

SHUBHANGI MILIND WAGHMARE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Swami Sandeep C
AGP for Respondent No. 1 : Mr. S. B. Pulkundwar
Advocate for Respondent No. 2 : Mr. S. G. Karlekar

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CORAM: S. V. GANGAPURWALA &
MANGESH S. PATIL, J.

DATE: 26th JULY, 2019

PER COURT:

1. Mr. Swami, learned counsel for the petitioner submits that the petitioner is issued with the disability certificate by the Issuing Medical Authority, Latur, Maharashtra showing disability of the petitioner to the extent of 40%. The petitioner is entitled for admission to the medical / dental course from persons with disability quota. According to the learned counsel, the petitioner was referred to the Board at Sir J. J. Group of Hospitals and Grant

Government Medical College, Mumbai. They have issued the certificate showing the visual disability of the petitioner to the extent of 20% and further opined that the petitioner is not eligible for persons with disability (PWD) quota. The learned counsel refers to the Gazette of India notification dated 04.02.2019 to contend that even 20% disabled persons are entitled for admission in the medical and dental course from disability quota. The learned counsel further submits that 20% disability shown by the board is also incorrect. The same is contrary to the certificate issued by the Issuing Medical Authority, Latur, Maharashtra dated 02.04.2019. The petitioner has benchmark disability of 40%.

2. Mr. Pulkundwar, the learned A.G.P. submits that explanation has been given by the Professor and Head of Department of Ophthalmology, Sir J. J. Group of Hospitals and Grant Government Medical College, Mumbai that the visual disability of the petitioner is 20% and as per the Gazette

notification dated 04.02.2019 the petitioner is eligible for dental / medical course, however not for PWD quota.

3. We have considered the submissions canvassed by the learned counsel for respective parties.

4. The benchmark disability in order to be eligible for availing the reservation for persons with specified disability is 40%. The persons with visual impairment having less than 40% disability are eligible for medical course, however not eligible for PWD quota.

5. The Professor and Head of Department of Ophthalmology, Sir J. J. Group of Hospitals and Grant Government Medical College, Mumbai also opined that on examination of the petitioner her vision in right eye is 6/60 with pin hole 6X36 and left eye best corrected vision is 6/12. According to vision in both eyes her percentage of visual disability is 20%.

6. In the light of above, the arguments canvassed by the learned counsel for the petitioner cannot be accepted.

7. Writ Petition, as such, is disposed of. No costs.

[MANGESH S. PATIL, J.] [S. V. GANGAPURWALA, J.]

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