

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

1007 WRIT PETITION NO.1388 OF 2021

ALKASERI ABDULLAH ALKASERIHAMAD
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS

Advocate for Petitioner : Mr Dhage Vivek J.
AGP for Respondents 1 to 6 State: Mr. P. S.Patil
Advocate for Respondent No.2:

CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.

DATE : 28th January, 2021

ORDER:

1. The petitioner seeks admission to B.E. Civil in respondent No.5 Government Engineering College, Aurangabad. The petitioner claims to be visually impaired. There are two disability certificates produced by the petitioner. One disability certificate dated 22.10.2019 is by the Issuing Medical Authority, Aurangabad, Maharashtra. The said disability certificate suggest as under:

“(A) He is a case of Low Vision.

(B) The diagnosis in his case is BE Cone Dystrophy

(C)He has 90% (in figure) Ninety percent (in words) temporary in relation to his (part of body) as per guidelines (to be specified).

This certificate recommended for 5 year(s), and therefore this Certificate shall be valid till 22.10.2024.”

2. The petitioner produced another disability certificate, again by the Issuing Medical Authority, Aurangabad, Maharashtra dated

18/01.2021. The said disability certificate suggest as under:

“(A) He is a case of Blindness.

(B) The diagnosis in his case is (BE) Cone Dystrophy.

(C) He has 90% (in figure) Ninety percent (in words) permanent disability in relation to his BOTH EYE as per the guidelines (Guidelines for the purpose of assessing the extent of specified disability in a person included under RPWD Act, 2016 notified by Government of India vide S.O. 76(E) dated 04/01/2018.

3. The disability certificate dated 22.10.2019 suggest that disability to the extent of 90% is temporary, whereas disability certificate dated 18.01.2021 suggest that 90% disability is permanent disability. The petitioner is denied admission on the ground that disability certificates produced is not as is required under the brochure so also the disability certificate does not give conclusion.

4. The disability certificates are issued by the authority. It is not the fault of the student in not getting the disability certificate in proper format.

5. To lay the dispute to rest, we refer the petitioner to the Medical Board at J.J. Hospital, Mumbai. The petitioner shall appear before the Medical Board at J. J. Hospital, Mumbai on 29th January, 2021.

6. The Medical Board shall examine the petitioner and issue certificate in accordance with their finding in the format required as per rule immediately

8. The eligibility of the petitioner to get admission from the

disabled category be considered as may be permissible pursuant to the disability certificate, that may be issued by the Medical Board, J.J. Hospital, Mumbai.

9. Writ petition disposed of. No costs.

10. Authenticated copy be given.

(SHRIKANT D. KULKARNI, J.)

(S.V.GANGAPURWALA, J.)

JPC