

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

WRIT PETITION NO.12175 OF 2022

Janhavi d/o Vasantrya Zambre,
age 22 yrs, Occ. Education,
R/o Bhagirati Niwas, Nandgaon Ves,
Patel Chowk, Latur,
Tq. & Dist Latur.

..Petitioner..

Versus

1. The State of Maharashtra,
Through it's Principal Secretary,
Medical Foundation & Research Dept,
Mantralaya, Mumbai 400 032.
2. Director,
Medical Education & Research,
Mumbai.
3. State Common Entrance Test Cell,
Maharashtra, 8th Floor, New
Extension Building, AK Nayak Marg,
Fort, Mumbai 400 001.
4. Dean,
Vilasrao Deshmukh Government
Medical College, Latur.

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Mr. S S Thombre Advocate for the petitioner.
Mr. S G Sangle AGP for Respondent-State.
Mr. S.G. Karlekar Advocate for respondent no.3.

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CORAM:RAVINDRA V.GHUGE & SANJAY A. DESHMUKH, JJ.

Dated: December 02, 2022

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PER COURT :-

1. This petition was lodged in the afternoon today and a motion in grave urgency was circulated at 2.30 p.m. Considering the urgency, we have taken the matter on the production board and the hearing commenced at around 03.45 pm.

2. While this matter was granted urgent circulation and considering the urgency in the matter, we requested the learned AGP and the learned Advocate representing the State Common Entrance Test Cell, Maharashtra to take instructions. With great promptitude they have taken instructions and have assisted the Court.

3. The only issue involved in this case is that the petitioner was eligible for admission to the MBBS Course pursuant to NEET UG-2022 examination for the Cap round. She happens to be a person suffering from Locomotar disability and she is equipped with a certificate dated 3.11.2022 issued by the Grant Government Medical College and Sir J.J. Group of Hospitals, Mumbai declaring her to have a physical

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disability, locomotor being type of disability and having suffered amputation of the lower limb. She was declared eligible for the PWD quota for the medical/dental course as a final opinion of the Committee as per MCI/DCI guidelines.

4. Unfortunately, as is the case of the college, that the said certificate was accidentally not uploaded by the petitioner and instead she uploaded a disability certificate dated 27.9.2022 issued by the Department of Empowerment of Persons with Disabilities, Ministry of Social Justice and Empowerment, Government of India, through the Medical Authority Latur being the issuing authority. The learned Advocate for the petitioner submits on instructions, that the certificate dated 3.11.2022 was uploaded, but was not reflected.

5. Since the petitioner is running out of time, the category in which she was admitted and allotted to respondent no.4 College, it has been recorded that she has not reported on the cutoff date 29.11.2022 because of the above problem.

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6. Since it appears to us and is undisputed that, the petitioner does have a certificate of disability, which is valid and acceptable to the State CET Cell that this petition is disposed off, with the following directions :-

- a] The petitioner may upload the relevant medical certificate on the website of the State CET Cell, if it is open, or we permit the petitioner to deliver a physical copy of the medical disability certificate to the Dean of respondent no.4 College and Email a scanned copy of the certificate to respondent no.3 State CET cell, with promptitude.
- b] While registering in the mop-up round, the petitioner may have an opportunity of uploading the relevant disability certificate.
- c] Since the seat that was allotted to the petitioner has not been shown vacant after 29.11.2022 as are the instructions passed on to the learned Advocate for respondent no.3, we permit the petitioner to register herself for the mop-up round and in the event of the opportunity of her admission being possible with respondent no.4 College, we would expect that the

authorities would consider her as a special case.

- d] Needless to state that, her admission shall be considered from the PWD category for which she is entitled to in view of the disability certificate declaring her to be eligible from the PWD quota.
- e] Considering that this order was dictated in the open Court and may not be uploaded quickly, parties shall act in the light of the order dictated in the open Court and need not wait for the uploaded copy of the order on the official website of this Court.

(SANJAY A. DESHMUKH, J.) (RAVINDRA V. GHUGE, J.)

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