



W.P.No.27817 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.27817 of 2022
and W.M.P.No.27104 of 2022

L.Mahalakshmi

.... Petitioner

-Vs-

1 National Medical Council of India
Rep. by its Secretary MCI Building
Pocke -14 sector -8 Dwaraka Phase - I New
Delhi 110 077

2 The Secretary
Selection committee Directorate of Medical
Education No. 162 Periyar EVR high Road
Kilpauk Chennai 600 010

3 The Chairman
Regional Medical Board Rajiv Gandhi
Government General Hospital Chennai 600 003

4 The Dean
Rajiv Gandhi Government General Hospital
Chennai 600 003

5 The Vice Chancellor
Tamilnadu Dr. MGR Medical University Guindy
Chennai 600 032

6 The Director
Directorate of Medical Services DMS Campus
Teynampet chennai 600 018

.... Respondents



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Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 2nd and 3rd respondents to conduct proper clinical Medical Examination on the petitioner after considering the expert reports for issuance of Certificate of Disability to the petitioner to secure admission in MBBS course PWD category to the petitioner under Government Quota for the course sessions 2022-2023 with respect to Application No. 22UG822250.

For Petitioner : Mr.N.Kamaraj

For Respondents : Ms.Shubharanjani Ananth
Standing Counsel – for R1

Ms.M.Sneha, Standing Counsel – for R2

Mr.Stalin Abhimanyu
Addl.Government Pleader-for RR 3,4 & 6

Mr.R.Imayavaramban
for M/s.Ramalingam & Associates – for R5

ORDER

The prayer sought for herein is for a Writ of Mandamus directing the 2nd and 3rd respondents to conduct proper clinical Medical Examination on the petitioner after considering the expert reports for issuance of Certificate of Disability to the petitioner to secure admission in MBBS course PWD category to the petitioner under Government Quota for the course sessions 2022-2023 with respect to Application No. 22UG822250.



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2. It is the case of the petitioner that the petitioner is a physically challenged person by birth, which is a locomotor disability viz., Paraplegia and her disability is assessed at 80%, which is supported by the certificate issued by the Department of Welfare of the Differently Abled, Government of Tamil Nadu and to this effect the Union of India has also issued a Unique Disability ID.

3. The petitioner has undergone the Higher Secondary course in State Board and she opted to pursue Medicine course. After successful completion of +2, the petitioner participated in NEET UG-2022 examination for the purpose of securing admission into the MBBS Stream and she obtained a total mark of 233. The All India rank of the petitioner is 456947, General Category Rank is 144783 and the PwD (Persons with Disability) Category Rank ie., quota reserved for differently abled is 763.

4. With this background, when the petitioner sought for admission under PwD Category ie., Differently Abled persons quota, her candidature was not considered because, for the purpose of admission into PwD category, the Medical team had assessed the petitioner's disability at 84%. In this regard, it is to be noted that the person who has suffered with disability from 40 to 80% alone would be eligible to be considered for pursuing Medicine course and in this



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regard since the petitioner's disability has been assessed at 84%, she was not considered under the quota for physically disabled person for getting admission in MBBS Course and only at that juncture, the petitioner has moved the present writ petition with the aforesaid prayer.

5. When this matter came up for consideration on 18.10.2022, after hearing the learned counsel for the parties, I have passed the following order.

"Since the 3rd respondent has to redo the proper clinical Medical Examination on the petitioner to declare the disability percentage of the petitioner and that would take some reasonable time and in the meanwhile, the counseling for admission in MBBS/BDS for UG course for the academic year 2022-2023 is commencing from tomorrow i.e. on 19.10.2022 where first the seats earmarked for differently abled persons would be filled up, this Court feels that one seat in that category can be directed to be reserved. Accordingly, there shall be a direction to the 2nd respondent to keep one seat vacant for a period of one week. While conducting counseling, the 2nd respondent/Selection Committee shall also select for the wait listed candidates and inform them, in case the persons selected did not join or the seat reserved is not meant for the person for whom it has been reserved as per Court orders, it will automatically come to the person who are placed in the waiting list, thereby the seat earmarked for differently abled



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person i.e. one seat going to be reserved by virtue of this order will not go waste.

2. In the meanwhile, there shall be a direction to the 3rd respondent to form a Committee to clinically examine the petitioner forthwith and file a report to this Court on 26.10.2022. 3. Post the matter on 26.10.2022.

6. Thereafter, when the writ petition is taken up for hearing today, the learned counsel for the petitioner as well as the learned Additional Government Pleader appearing for the respondents 3, 4 and 6, and the learned Standing Counsel appearing for the Selection Committee would submit that, pursuant to the order passed by this Court dated 18.10.2022, the Health Secretary to Government of Tamil Nadu has been contacted by Mr.Stalin Abhimanyu, learned Additional Government Pleader to constitute the Medical Board or Medical Team to examine the petitioner and accordingly a team was formed on that day itself i.e., within few hours and in this regard, after examining the petitioner by the team of doctors, they found the disability percentage of the petitioner was only at 80% . Therefore, such disability percentage since was within the permissible limit there could be no further impediment for her to get admission into the Medicine course if she is able to get the seat as per her inter se merit under PwD category. The next day morning Selection Committee also permitted the petitioner to participate in the counseling based on the inter se merit of the



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petitioner. Accordingly, the petitioner participated in the counselling and was able to secure admission for MBBS Course in Madras Medical College, Chennai.

7. These facts have been disclosed by the learned counsel for the parties to this Court. This Court, having heard the same and recorded the said development, is inclined to dispose of this writ petition with the following order.

- That the prayer sought for in the writ petition since has been accomplished, after recording the above development, this writ petition is disposed of.
- Before parting with the case, this Court wants to record its appreciation to the respondents, who quickly acted upon pursuant to the interim order passed by this Court dated 18.10.2022 to constitute a Medical Board to examine the petitioner on the same day and after declaring the result with regard to the percentage of disability of the petitioner, since it is within the permissible limit, the petitioner also was permitted to participate in the counseling on the next day, where the petitioner was able to secure a seat for pursuing MBBS Course in Madras Medical College. This kind of swift action on the part of the respondents is to be appreciated.



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8. With these observations, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

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Index : Yes/No

Internet : Yes/No

KST

To

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R. SURESH KUMAR, J.

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