

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14757 of 2022

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Saket Pandey Son of Shri Atma Prakash Pandey Resident of Village and Post-
Chiraigaon urus urf Udaypur Chiraigaon, District- Chandauli, State- Uttar
Pradesh - 232110.

... .. Petitioner/s

Versus

1. The Union of India Cabinet Secretary Government of India, New Delhi.
2. The Union of India through the Secretary Higher Education Department
127-C, Shastri Bhawan, New Delhi.
3. The Additional Secretary (TE) IIT's, IIIT's, IEST and Others GFTIs
Department, 118-C, Shastri Bhawan, New Delhi.
4. The Authority, Joint seat allocation 2022 Sardar Vallabh Bhai National
Institute of Technology, Surat, Gujrat.
5. The Superintendent Chief Medical Head of Hospital District- Chandauli,
Uttar Pradesh.
6. The Medical Officer National Institute of Technology, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Surendra Kumar Singh
For the N.I.T	:	Mr. Y.V. Giri, Sr. Adv. Mr. S.V. Giri, Adv.
For the U.O.I	:	Mr. Kanak Verma, C.G.C.
For A.I.I.M.S., Patna	:	Mr. Binay Kumar Pandey, Adv.

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

4 17-01-2023 1. The petitioner by way of this writ petition had

challenged the Physical Verification Report, conducted by the

National Institute of Technology, Patna, whereby, the

petitioner's disability was found to be 25% instead of 40%

disability shown in the certificate issued earlier in his favor.

The disability certificate issued by National Institute of

Technology mentions disability of 25 %.



2. Keeping in view that there are two different views taken by respective medical officers, this Court directed a Medical Board to be constituted by the All India Institute of Medical Sciences, Patna, constituting a senior orthopedic doctor to find the degree of disability of the petitioner.

3. The All India Institute of Medical Sciences, Patna has submitted its report after examination of the petitioner vide its letter dated 28.12.2022 and the disability of the petitioner has been found to be 27 per cent permanent locomotor disability in relation to his Bilateral Lower Extremity, in terms of the guidelines issued by the Ministry of Social Justice and Empowerment, Gazette of India dated 5th January 2018. The certificate of disability dated 28.12.2022 is taken on record.

4. Learned counsel for the petitioner having being apprised of the certificate issued by All India Institute of Medical Sciences, Patna, does not further press the petitioner's claim against disabled category.

5. Keeping in view the medical report, the petitioner cannot be considered to come within the category of disable person to claim admission. However, the petitioner's candidature would be now considered under the open category, if he falls within the merit, he may claim his admission in any of



the institutes accordingly.

6. The writ petition is disposed of with aforesaid terms.

(Sanjeev Prakash Sharma, J)

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Item No. 12

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