

24.07.2023

Item No.59

Ct. No. 238

AKG

WPA 17156 of 2023
Portia Maity
Vs.
The Union of India & Ors.

Mr. Partha Sarathi Bhattacharyya,
Mr. Alauddin Mondal,
Mr. Raju Bhattacharyya

...for the Petitioner

Mr. Indranil Roy,
Mr. Sunit Kr. Roy

...for National Medical Commission

Mr. D. N. Maiti,
Mr. S. Sarkar

...for W.B.U.H.S.

Ms. Susmita Saha Dutta

...for Union of India

The certificate appearing at page 78 of the writ petition goes to suggest that the mental illness of the petitioner is to the extent of 60 per cent. Again the certificate appearing at page 68 indicates the percentage of mental disability is 55 per cent.

There is no doubt that the petitioner does not fulfill the eligibility criteria to avail the disability quota for the admission to MBBS course. The relevant part of the notification dated May 13, 2019 is quoted below:-

S. No.	Disability Type	Type of Disabilities	Specified Disability	Disability Range		
				Eligible for Medical Course, Not Eligible for PwD Quota	Eligible for Medical Course, Eligible for PwD Quota	Not Eligible for Medical Course
3.	Mental behaviour		Mental illness	Absence or mild Disability : less than 40% (under IDEAS)	Currently not recommended due to lack of objective method to establish presence and extent of mental illness. However, the benefit of reservation/quota may be considered in future after developing better methods of disability assessment	Equal to or more than 40% disability or if the person is deemed unfit to perform his/her duties. Standards may be drafted the definition of “fitness to practice medicine”, as are used by several institutions of countries other than India.

In that view of the matter, the prayer of the petitioner to allow her to participate in the counselling process scheduled to be held on July 25, 2023 cannot be entertained.

Accordingly, WPA 17156 of 2023 is dismissed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Kausik Chanda, J.)