

04.9.2023

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WPA 17973 of 2023

Portia Maity
Vs.
The Union of India & Ors.

Ms. Afrin Nahar Mondal
... For the petitioner.

Mr. Ajoy Krishna Chatterjee
Ms. Sarda Sha
... For respondent nos. 1-7.

Mr. Indranil Roy
Mr. Sunit Kr. Roy
... For NMC.

In this writ petition, the petitioner has, inter alia, prayed for a direction to “admit the petitioner in MBBS course 2023 in a UT-PwD seat according to petitioner’s next choice of preference, first AIIMS New Delhi, Second AIIMS Bhubaneswar and then AIIMS Deoghar.”

It appears that a Division Bench of this Court by an order dated August 22, 2023 in an appeal **(MAT 1457 of 2023)** filed by the petitioner held as follows:

“The petitioner has obtained 94.67 marks in aggregate in Physics, Chemistry and Biology where the qualifying marks to appear for the National eligibility cum Entrance test undergraduate (in short NEET-UG) as general category with such

category persons with disability in PwD is 45%. The results of the Board examination has been disclosed. It further appears that in the disability certificate, the nature of disability as “Schizoaffective”. Having regard to the nature of the disability mentioned in the said certificate and the academic record of the petitioner and in absence of any guidelines to objectively measure the mental disability of the petitioner, we are prima facie of the view that the petitioner should be allowed to participate in the counseling and if she is successful in counselling, one seat should be reserved for her in the college till the disposal of the appeal.”

I am of the view that at this juncture the petitioner cannot insist on admission in the Medical Colleges as prayed for in this writ petition.

Accordingly, **WPA 17973 of 2023** is dismissed.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)