

58. 10.08.2023
Ct. No.238
Tanmoy

WPA 18052 of 2023

**Saroj Mahato
-Versus-
Ministry of Health and family Welfare, Government
of India & Ors.**

Mr. Shambhu Mahato, Adv.,
Mr. Diptendu Banerjee, Adv.

...for the petitioner.

Mr. Sunit Kr. Ray, Adv.

...for the National Medical
Commission.

Mr. Saibalendu Bhowmik, Adv.,
Mr. Biplab Guha, Adv.,
Mr. Rajsekhar Basu, Adv.

...for the West Bengal
Medical Council.

The petitioner seeks to participate in the counselling process for MBBS course following his performance in the National Eligibility-cum-Entrance Test (UG)-2023. It is the case of the petitioner that the Office of the Medical Superintendent-cum-Vice-Principal, Deben Mahata Government Medical College and Hospital, Purulia has issued a disability certificate in his favour wherein the percentage of disability of the petitioner has been calculated as 50%. The petitioner submits that he was allowed to participate in the entrance test on the basis of the said certificate under the "Person With Disability" (in short 'PWD') quota, but the National Medical Commission declined to allow him to participate in the counselling process.

On the other hand, learned Advocate appearing for the National Medical Commission submits that to participate in the counselling process, a candidate requires to obtain a certificate of disability from the Designated Authority appointed by the National Medical Commission. The petitioner obtained a certificate from such a designated Authority which, however, suggested that there was no physical disability of the petitioner.

Learned Advocate appearing for the National Medical Commission submits that as per the Information Bulletin issued by the Medical Counselling Committee, to participate in the counselling, it is imperative for a candidate to produce a disability certificate from the said Designated Authority in support of his disability.

A perusal of clause 6.7 of the aforesaid Information Bulletin makes it clear that a candidate may be allowed to take part in the entrance test on the basis of the disability certificate issued by the Government Medical College/ District Hospital/ Government Hospital under the relevant provisions of Rights of Persons with Disabilities Rules, 2017, but to participate in the Counselling process, a certificate from the Designated Authority is a must.

In this case, the certificate issued by the Designated Authority does not qualify the petitioner to

avail the disability quota. No relief can be given to the petitioner.

Accordingly, WPA 18052 of 2023 is dismissed.

However, this will not prevent the petitioner to challenge the certificate issued by the Designated Authority, in accordance with law.

(Kausik Chanda, J.)