

31 19.9.2023

Ct-08

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**MAT 1613 of 2022**

with

I.A No. CAN 1 of 2022

CAN 2 of 2023

Dipayan Roy

Vs.

Union of India & Ors.

Mr. Indranil Roy

Mr. Sumit Kumar Roy

... For the National

Medical Commission

**Re: CAN 1 of 2022**

**(Condonation of Delay)**

1. There is a delay of 156 days in presenting the memorandum of appeal.
2. We are satisfied with the explanation offered for not being able to file the memorandum of appeal within the statutory period, we are inclined to condone the delay in presenting the memorandum of appeal.
3. The application for condonation of delay is, thus, allowed without any order as to costs.
4. CAN 1 of 2022 is thus disposed of.

**MAT 1613 of 2022**

1. The appellant is not represented nor any accommodation is prayed for on behalf of the appellant.

2. The matter relates to admission in MBBS for the year 2021 under P.W.D category.

3. Out of five candidates since the percentage of 'mental illness' in respect of the petitioner nos. 1 & 2 satisfied the benchmark criterion, hence, they were allowed to participate in the counselling under the relevant reservation category.

4. In respect of the petitioner no. 3 the disability of "hearing impairment" showed 70%. Besides, the photographs of the petitioner no. 3, annex to the two certificates, may be of two completely different persons. Hence, the prayer of the petitioner no. 3 was not allowed.

5. In respect of the petitioner no. 4, since the certifying authority has indicated that the petitioner falls outside the consideration of benchmark disability spectrum, the prayer of the petitioner no. 4 was refused.

6. In respect of the petitioner no. 5, the certificate of IPGME&R showed hearing disability of the petitioner no. 5 is 0% as compared to a certificate of the Baruipur S.D. Hospital, South 24 Parganas, which showed "hearing impairment" of 75%. Hence, the prayer of the petitioner no. 5 was refused not only by reason of the certifying authority showing that the petitioner no. 5 does not suffer from any hearing

disability but also the variance of the percentage of disability assessed by the Baruipur S.D. Hospital, South 24 Parganas by a large degree.

7. On the basis of the reasons recorded by the learned Single Judge, we do not find any reason to interfere with the order passed by the learned Single Judge.

8. In view of the aforesaid order, MAT 1613 of 2022 stands dismissed.

9. In view of dismissal of the appeal nothing remains to be decided in the application being CAN 2 of 2023 and the same is accordingly dismissed.

10. However, there shall be no order as to costs.

11. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

**(Prasenjit Biswas, J.)**

**(Soumen Sen, J.)**

