

Ashwini

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9069 OF 2023**

Maitreyai Mahendra Garad ...Petitioner
Versus
State of Maharashtra through its Department of ...Respondents
Medical Education and Drugs & Ors

**Ms Pooja Thorat, with Amar Bodke & Avinash Bailmare, for the
Petitioner.**

**Mr Sameer Khedekar, for Respondent No. 3.
Mr SB Kalel, AGP, for the Respondent-State.**

**CORAM G.S. Patel &
Neela Gokhale, JJ.**

DATED: 21st July 2023

PC:-

1. The Petitioner is diagnosed with a low limb disability known as a clubfoot. She passed her 10th standard examination in June 2020 and her 12th standard examination in science faculty in February 2022. She was issued a PWD certification of Locomotor Disability of Left Malcorrected CTEV with Triple Osteotomy amounting to 46% permanent disability on 24th June 2020. On 20th March 2023, the Petitioner sought registration for the NEET Under Graduate 2023. She has inadvertently filled her form in the open merit category and not PWD category. The results were declared

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and she was placed in the 96.43% percentile rank. She has since been informed that she cannot now change her category to PWD. She made a representation on 20th July 2023 but has obtained no response. Hence this Petition.

2. We do not believe that in matters of education and particularly educational reservation and, perhaps more significantly in disability reservation, there should be this kind of approach to an otherwise eligible candidate. There is no doubt that the Petitioner will need a certificate from one of the 16 recognised institutes. She will have to obtain certificate from one of the institutes in Mumbai. We permit her to not only apply but we direct the State CET Cell to permit her to change her registration and to fill the form in PWD category and to submit a certificate in whatever mode is convenient within 48 hours of the requisite certificate being issued to her. The Petitioner must apply to one of the recognised institutes by Tuesday, 25th July 2023. That institute is directed to urgently assess the Petitioner and issue the necessary certificate. The 2nd Respondent, Directorate of Medical Education and Research (“**DMER**”) Mumbai will issue the necessary directions to the hospital or institute in Mumbai to render all assistance to the Petitioner.

3. The Writ Petition is disposed of in these terms. No costs.

(Neela Gokhale, J)

(G. S. Patel, J)

Note: This order is modified as per order dated 24th July 2023. The corrections are shown in bold, italics and underline.