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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9068 OF 2023**

Dr Souhaan Prakash Jiandan ...Petitioner
Versus
State of Maharashtra through its Department of ...Respondents
Medical Education and Drugs & Ors

**Ms Pooja V Thorat, with Amar Bodke & Avinash Bailmare, for the
Petitioner.**
Mrs PJ Gavhane, AGP, for the Respondent-State.

**CORAM G.S. Patel &
 Neela Gokhale, JJ.**
DATED: 21st July 2023

PC:-

1. The Petitioner has a learning disability and has a disability certificate of 2012. He appeared for the ICSE board in 2015 and passed his 12th standard HSC examination in March 2017. He was issued a fresh disability certificate in 2017 by the GS Medical College and KEM Hospital, Department of Paediatrics. In 2017, the Petitioner appeared for the NEET Under Graduate test and was placed in the 99.7% percentile rank. He gained admission for the MBBS course to the GS Seth Medical College and KEM hospital in the open category, but could not seek admission under the PWD category and its associated reservations.

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2. By December 2021, the Petitioner had completed his MBBS course and a one-year compulsory internship. Then, being desirous of pursuing a post graduate medical course, he applied and registered himself for the NEET (Post Graduate) 2023 in the period 7th to 27th January 2023.

3. The National Board of Examination or NBE informed the Petitioner that his existing certificate of 2017 was not acceptable. The brochure prescribed by the Medical Council of India required the certificate to be under something called the UDID online procedure. The Petitioner did not have the UDID online certificate. He therefore could not select the online option of being in the PPWD category and could not upload the necessary disability certificate. On 11th May 2023, he was issued what is called an offline certificate of learning disability by the learning disability clinic of the GS Medical College and KEM Medical College Parel Mumbai. He insisted on a UDID certificate and this was finally issued to him on 1st June 2023.

4. The Petitioner made a representation on 8th July 2023 to the CET Cell Maharashtra Respondent No. 3 to consider him under the PWD category because he now had the online or UDID disability certificate. This would allow him preference in the PWD category 5% reservation in the 50% state quota. On 10th July 2023, he applied to the college to consider him for a post graduate admission under the PWD category. The college said it could not do so unless he was “registered” in the PWD category and within the Maharashtra or state quota of 50%. As far as the colleges are concerned, what is

required is an uploading of the UDID online PWD certificate which the Petitioner now holds. If this is allowed to be uploaded, the Petitioner will be entitled to apply for post graduate admission under the 50% state quota where there is a 5% reservation for PWD candidates.

5. The additional complication is that the certificate from the GS Medical College is apparently not adequate. It has to be from one of the 16 specified institutes. The Grant Medical College and JJ Hospital is one of those. But even to use that or to apply for a reassessment of the PWD, the Petitioner would first be required to be entered in the system with the PWD option being selected.

6. We are informed on behalf of the State CET Cell that the registrations have not started. Accordingly, we direct the State CET Cell to permit the Petitioner to upload the existing UDID online certificate from the GS Medical College temporarily and to select the PWD category but this is on condition that by Monday, 24th July 2023, the Petitioner applies to one of the 16 institutes listed for the issuance of a reassessed PWD certificate. Ms Thorat states that the application will be made to the JJ Group of Hospitals. That application is to be processed on a priority basis. The Petitioner will be examined and assessed for that purpose. As soon as that certificate is released, the Petitioner will be permitted to upload it in compliance with the relevant eligibility criteria. The Petitioner should not be denied either admission or have his eligibility compromise nor his eligibility under the 50% state quota for 5%

PWD withheld, if there is any delay in procuring the certificate from the JJ Group of Hospitals.

7. The 2nd Respondent is directed to inform the JJ Group of Hospitals to render all assistance for this period.

8. The Petition is disposed of in these terms with no order as to 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.