

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.4684 of 2023

Rinay S/o Gajanan Patil Versus Union of India and others

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri Sumeet P. Bodalkar, holding for Shri Parth Malviya, Counsel for Petitioner.
Shri N.S. Deshpande, Deputy Solicitor General of India for Respondent Nos.1 to 3.
Shri Nikhil Gaikwad, Counsel for Respondent No.4.

CORAM : A. S. CHANDURKAR AND MRS. VRUSHALI V. JOSHI, JJ.

DATE : 02nd AUGUST, 2023.

1. Heard.
2. The petitioner by relying upon the disability certificate dated 13-12-2022 identifying his locomotor disability to 47% submits that he be permitted to undergo the medical assessment for quantification of his disability at the other designated Disability Certification Center since the certificate of disability for NEET Admission dated 8-7-2023 has assessed his disability at 11%. The petitioner seeks to rely upon the Notification dated 13-5-2019 as well the Information Bulletin with regard to admission to Under-Graduate Medical Courses. Since the disability certificate 13-12-2022 indicates higher disability, it is submitted that the subsequent certificate issued by the Disability Board constituted by AIIMS should be disregarded.
3. On perusal of the documents filed alongwith the writ petition as well as the record produced by the learned Deputy Solicitor General of India, we find that the Disability Board has conducted various tests before assessing the disability at 11%. The documents produced/tests conducted while assessing the petitioner's disability at 47% are not on record. There is no material to hold that the subsequent certificate issued by the designated Disability Certification Centre assessing the disability at the lower percentage should be disregarded to permit another assessment at some other designated Disability Certification Centre. Such exercise also does not find place in the Notification dated 13-5-2019 or the Rights of Persons with the Disabilities Act, 2016. In that view of the matter, we do not find any reason to invoke the writ jurisdiction.

4. The writ petition is therefore dismissed with no order as to costs.

(MRS. VRUSHALI V. JOSHI, J.)

(A. S. CHANDURKAR, J.)

LANJEWAR