

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

Writ Petition No.4698 of 2023

Samiksha D/o Sanjay Paunikar and others Versus Medical Superintendent, All India Institute
of Medical Sciences, Mihaan, Nagpur 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 S.P Andhare, Counsel for Petitioners.

Shri N.S. Deshpande, Deputy Solicitor General of India for Respondent No.1.

Shri Nikhil Gaikwad, Counsel for Respondent No.2.

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

DATE : 02nd AUGUST, 2023.

1. Heard.
2. The petitioner Nos.1, 2 and 3 by relying upon the disability certificates dated 26-6-2023, 4-1-2023 and 16-3-2023 identifying them to be a case of Sickle Cell disease to the extent of 55%, 45% and 45% respectively submit that they be permitted to undergo the medical assessment for quantification of their disability at any other designated Disability Certification Centre since the certificates of disability for NEET Admission dated 12-7-2023 and 13-7-2023 have assessed their disability at 35%. The petitioners seek 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 certificates dated 4-1-2023, 16-3-2023 and 26-6-2023 indicate higher disability, it is submitted that the subsequent certificates 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 35%. The documents produced/tests conducted while assessing the disability of the petitioner Nos.1, 2 and 3 at 55%, 45% and 45% respectively 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