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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED **05.01.2023**

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.34841 of 2022

Mr.S.Peter Jaba Singh

... Petitioner

..Vs..

1. The Secretary
Selection Committee
Directorate of Medical Education
162, Periyar E.V.R. High Road,
Kilpauk, Chennai – 600 010.
2. The Director of Medical Education
Kilpauk, Chennai.
3. The Regional Medical Board,
Represented by its Secretary
Rajiv Gandhi Government General Hospital
Chennai – 600003.
4. The Secretary
National Medical Commission
Pocket-IV, Dwarka Phase-I,
New Delhi – 100 077.

... Respondent

PRAYER: Petition . under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus calling for the entire records from the file of the third respondent pertaining to the impugned certificate of disability dated 28.09.2022 bearing Certificate No. 027224/BMB/RGGGH/22 from the file of the third respondent and quash the same and consequently direct the



respondents to re-examine and diagnose petitioner's daughter and issue certificate of disability within a time frame to be fixed by this Hon'ble Court for the purpose of attending the NEET(UG)-2022 Counseling under PWD quota.

For Petitioner	:: Mr. S.Jaganathan
For 1 st Respondent	:: Mr. V.Baranitharan Additional Government Pleader
For RR 2 & 3	:: Ms. M.Sneha
For 4 th Respondent	:: Mr. Shubharanjani Ananth

ORDER

The Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking interference with a certificate relating to the disability of the daughter of the petitioner which certificate was dated 28.09.2022 in certificate No. 027224/ BMB/RGGGH/22.

2. Ms.Dapney.P, the daughter of the petitioner had written her NEET examination. She had qualified. She is a physically challenged person. She had obtained necessary certificate from a Doctor who had assessed the disability. She has enclosed that particular certificate. Since she is a person with disability, the 1st respondent directed her to appear before the Medical Board to ascertaining the percentage of disability. The Board examined her



and issued a certificate on 28.09.2022. They had assessed the disability at 22%. This is a source of grievance for the petitioner, who now canvasses that his daughter suffers from further disability and that this assessment was not proper.

3. At this stage, this Court cannot examine that particular aspect. Moreover, the time period for the candidate to be allotted to various college for studying MBBS Course has long ended. However, the learned counsel has placed a request that the daughter of the petitioner has intentions of writing her NEET exam again this year.

4. This Court can only wish her well. Let her write the NEET exam. If she is physically challenged person she to be examined by a Board to assess her disability percentage. At that time, if ever she is asked to appear before the Board, a direction is given that the earlier Board which had issued the certificate dated 28.09.2022 namely, (1) Prof. A.Rajakumar, Physical Medicine and Rehabilitation, (ii) Prof.M.Jawahar, Neurology and (iii) Prof. K.P.Marinemarrien, Ortho Surgeon, should not assess her disability.

5. Let a separate Board be formed to examine the daughter of the petitioner / Daphney.P.

6. I am confident that the petitioner herein would adhere to this



order if at all the petitioner's daughter qualifies to be invited for counselling after she write her NEET exam in the next year. No further orders are required. The Writ Petition stands disposed of. No costs.

05.01.2023

vsg
Index: Yes/No
Internet: Yes/No
Speaking / Non Speaking Order

To

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C.V.KARTHIKEYAN, J.,



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