



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 9570 OF 2024

Vedant Sadanane Mali

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri N. T. Tribhuvan, Advocate h/f Shri Santosh S. Dambe,
Advocate for the Petitioner.

Mrs. S. S. Joshi, A.G.P. for the Respondents/State.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.**

DATE : 03 SEPTEMBER, 2024.

FINAL ORDER :

. The petitioner is aggrieved by the assessment of the disability by the board constituted by the National Medical Commission (NMC) holding him to be not eligible for P.w.D. quota for admission to the medical course, assessing his disability to be 9%.

2. The learned advocate for the petitioner submits that the petitioner has been undergoing medical examination since he has been claiming reservation on the basis of P.w.D. quota in the admission process for medical admission. He would submit that all the three times the assessment made by the concerned board is different. In the year 2022, the Board at the Grant Government Medical College and J. J. Hospital, Mumbai, he was

certified to be having 15% physical disability of locomotor category in other specified disability as per Appendix - H of the NMC Regulations dated 04 February 2019. In the year 2023 the board at Nagpur certified that he was having no disability at all. By the impugned certification by the Board at Grant Government Medical College and J. J. Hospital, Mumbai, he has been assessed to have 9% disability of the same kind and holding him eligible to undertake medical course, but not through the PwD category.

3. The learned advocate for the petitioner would submit that considering such variance on three occasions, the petitioner is ready to face another one and even ready to go back to the same Board of Grant Government Medical College and J. J. Hospital, Mumbai and it be directed to conduct fresh examination to assess his disability.

4. In the normal course, we would not have looked upon this kind of petition as adversarial one. There is also some merit in the submissions of the learned advocate that on three occasions the boards have assessed the disability but with varied percentage of disability. However, there is nothing before us to question the expertise of the members constituting the present board which has certified him to possess 9% physical disability and on that count applying parameters laid down in Appendix - H, it is certified that he is entitled to undertake medical education but not entitled to have it against a seat reserved for

PwD quota.

5. The fact remains that though there is variance, even during the last year, the highest percentage of disability noted by the then board was 15%, which in itself being less than 40% as prescribed in Appendix - H, the petitioner would not be entitled to have the admission through PwD quota.

6. One need not over emphasis the circumscribing limits on the powers of this Court under Article 226 of the Constitution of India in such cases. The Committee of expertise according to their wisdom has certified the petitioner to be possessing grossly less than 40% disability, which is minimum of the disability percentage to enable an individual to seek admission through PwD quota. We cannot sit in appeal over the decision of the board. There is no merit in the petition.

7. The writ petition is dismissed.

[SHAILESH P. BRAHME, J.] [MANGESH S. PATIL, J.]

bsb / Sept. 24