



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

929 WRIT PETITION NO. 11618 OF 2024

Furquan Farhan Bin Ganam

VERSUS

The State of Maharashtra and others

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Advocate for the Petitioner : Mr. Pradeep B. Kulkarni

AGP for Respondent Nos. 1, 2 and 4: Mr. S.R. Yadav-Lonikar

Advocate for Respondent No.3 : Mr. Chandrakant A. Jadhav

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

DATED : 17 OCTOBER 2024.

ORAL ORDER (SHAILESH P. BRAHME, J.):-

Heard learned advocates for both sides.

2. The petitioner, a student, is aspiring to take admission to medical course. He participated in the admission process of NEET-UG-2024. He is approaching this court when the process reached upto CAP Round 3, seeking direction from this court to permit him to change his category from open to the Persons with Disability (PwD).

3. The petitioner has submitted an online application from general category. When the admission process reached upto CAP round 3, he sought to change the category by making application to the respondent Nos.2 and 3. He is relying upon the disability

certificate dated 10.10.2024. The respondents have not considered his request. He is seeking direction to refer him to respondent No.4 Medical Board for further medical examination.

4. Learned advocate for the petitioner submits that the petitioner is armed with disability certificate and entitled to claim benefits of PwD. The application was submitted to the CET Cell and under the provisions of clauses 6.1.2 to 6.1.6, it is permissible to change the category.

5. Learned advocate for respondent No.3 opposes the submissions. He places on record the relevant norms from NEET-UG-2024 brochure. In view of clause 9.4.5, it is not permissible for a candidate to change the category which is mentioned in the original online application. In view of the prohibition, the application of the petitioner could not be granted.

6. We have considered the submissions of the parties. The relevant Rule is as follows:-

“9.4.5 Person with Disability (PWD) Quota: The candidate should have claimed the Person with Disability (PWD) quota reservation in the original Online application form. Request for PWD category claim after submission of application form will not be granted. The parallel

constitutional reservation will be applied for PWD quota seats. The eligibility under PWD quota as prescribed by respective central Council from time to time will be applicable.

As per Medical Council of India, New Delhi amendment notification No: MCI-34(41)/2018-Med/170045, dated 5th Feb 2019, CCIM Notification F.No 24-14/2018 (UG Regulation), dated 18/06/2019 and CCH Notification No.12-11/2010-CCH(Pt.II)(1), dated 02/08/2019, Five percent (5%) seats of annual sanctioned intake capacity shall be filled up by candidates with specified benchmark disabilities contained in the schedule to the Rights of Persons with Disabilities Act, 2016, as per Annexure – D. Constitutional reservation will be applied parallelly within PWD quota seats.

The specified disability categories as mentioned in the rights of persons with Disability Act 2016 are as follows.

- 1. Physical disability*
- 2. Intellectual disability*
- 3. Mental behavior disability*
- 4. Disability caused due to chronic illness*
- 5. Multiple disabilities*

1. Candidate should mark as PWD in the online application form, failing which claim will not be granted. Candidate is required to submit the proof of his/her disability by way of a certificate issued by certificate issuing authority in the year 2024.”

7. The petitioner submitted his application from general

category. At that time, he did not opt for PwD category. He did not submit disability certificate. When the process reached upto CAP round 3, he sought to change his category from general to PwD. In view of clause 9.4.5 of NEET-UG-2024, once the candidate has given option of a particular category in his original online application, subsequently it is not permissible to change the said category. The petitioner could have opted for PwD quota at the time of submission of his original online application before beginning of the CAP rounds.

8. It reveals that the petitioner is not vigilant and when the admission process reached upto CAP round 3, he is seeking change in the category. The clauses 6.1.2 to 6.1.6 are not applicable. As the request of the petitioner is against the norms, we are not inclined to grant any relief.

9. The petitioner is relying upon the orders passed by the co-ordinate Bench in writ petition No. 9069 of 2023, decided on 21.07.2023 (***Maitreyai Mahendra Garad vs. The State of Maharashtra and others***) and in writ petition No. 11111 of 2024 decided on 13.08.2024 (***Pranav Ajit More vs. State of Maharashtra and others***). In both the orders, the relevant clause 9.4.5. of the brochure has not been considered. Both the orders do not lay down any proposition of law. Considering the difference in the facts and

circumstances, those orders cannot be made applicable to the case in hand. We find no substance in the petition.

10. The petition is dismissed.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL , J.)

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