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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.11110 OF 2024

Trupti Jitendrasing Rajput

.. Petitioner

Versus

State of Maharashtra and Ors.

.. Respondents

Mr.Anukul Seth, Advocate for the Petitioner.

Mr.Rohan Sawant, 'B' Panel Counsel for Respondent/State.

Ms.Sheetal Malvankar, Advocate for the Respondent No.3.

**CORAM: B. P. COLABAWALLA &
FIRDOSH P. POONIWALLA, JJ.**

DATE: AUGUST 13, 2024

P. C.

1. The above Petition is filed under Article 226 of the Constitution of India seeking a direction against the Respondent Authorities to permit her to fill the NEET-UG-2024 Application form in the 85% State of Maharashtra quota under the Persons with Disability (PwD) category, with a further direction to Respondent No.4 Hospital to examine the Petitioner and issue the necessary disability certificate.

2. The Petitioner belongs to the PwD category and suffers from 45% locomotor disability of Lower Limbs, which according to the Petitioner, entitles her to participate in the admission process under the PwD category. At the time of filling up the form for the NEET examination, inadvertently, the Petitioner applied under the OPEN category and not under the PwD category. Now, since the results are declared, she was informed that she cannot, at this stage, change her category to PwD category. Hence, the present Petition.

3. After hearing the learned counsel for the Petitioner as well as the learned Advocate appearing for the Respondents, we find that in almost identical facts, another Division Bench in the case of ***Maitreyai Mahendra Garad v/s. State of Maharashtra and Ors. [Writ Petition No.9069 of 2023 decided on 21st July, 2023]*** granted reliefs to the Petitioner. We agree with what is stated by this Court in ***Maitreyai Mahendra Garad*** (Supra), that in matters of education, and particularly educational reservation, and perhaps more significantly, in disability reservation, there should not be this kind of an approach to an otherwise eligible candidate. There is no doubt that the Petitioner will need a certificate of disability from one of the sixteen recognized institutes, of which, Respondent No.4 is one such institute.

4. Considering these circumstances, we permit the Petitioner to not only apply, but we direct the State CET Cell to permit her to change her Registration and to fill the form in the PwD category and to submit the disability certificate in whatever mode is convenient, within 48 hours of the requisite certificate being issued to her by Respondent No.4.

5. The Petitioner shall apply to Respondent No.4 by tomorrow i.e. 14th August 2024. Respondent No.4 is directed to urgently assess the Petitioner and issue the necessary certificate. The Directorate of Medical Education and Research (“DMER”) will issue the necessary directions to Respondent No.4 to render all assistance to the Petitioner.

6. The above Writ Petition is disposed of in the aforesaid terms. However, there shall be no order as to costs.

7. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[FIRDOSH P. POONIWALLA, J.]

[B. P. COLABAWALLA, J.]