

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

WRIT PETITION NO.10607 OF 2024

Mayuresh Dattatray Gund]
R/of Post Ane, Tal. Junnar, Dist. Pune] .. Petitioner

Versus

1. Maharashtra Animal and Fishery]
Science University, Nagpur]
Through Vice Chancellor]
2. Maharashtra Animal and Fishery]
Science University, Nagpur]
Through Registrar]
3. Veterinary Council of India,]
New Delhi, through President] .. Respondents

Ms. Pooja V. Thorat with Ms. Trisha Choudhari, Advocates for the Petitioner.

Mr. T.R. Yadav with Ms. Divya Wadekar, i/by Mr. Avinash Jalisatgi, Advocates for Respondent Nos.1 and 2.

Mr. N.K. Rajpurohit, Assistant Government Pleader for the Respondent-State of Maharashtra.

**CORAM : A.S. CHANDURKAR &
RAJESH S. PATIL, JJ**

DATE : 13TH AUGUST, 2024.

ORAL JUDGMENT : { Per A.S. Chandurkar, J. }

1. Rule. Rule made returnable forthwith and heard the learned counsel for the parties.

2. The petitioner, a student suffering from 35% permanent disability of his left leg, seeks consideration of his candidature for seeking admission to the Course of Bachelor of Veterinary Science 2024-25. In accordance with Clause 6.5 of the Admission Brochure, he is required to submit a Disability

Certificate certified by the Civil Surgeon / Medical Board with a condition that such Disability Certificate should not be more than three months old from the date of its submission. The certificate was to be in proforma Annexure VI. The petitioner accordingly submitted his application form along with Physically Handicapped Certificate dated 12th July 2024. Since the same was shown to be signed only by the Orthopedic Surgeon – Class II, the 2nd respondent – Maharashtra Animal and Fishery Science University, Nagpur rejected the petitioner's claim on the basis of that certificate. The petitioner on 23rd July 2024 addressed a communication through e-mail to the respondent no.1-Vice Chancellor, MAFSU, who however did not accept the petitioner's case. He has therefore approached this Court under Article 226 of the Constitution of India.

3. Ms. Pooja Thorat, learned counsel for the petitioner submits that in accordance with Annexure VI, the petitioner had applied for issuance of a Physically Handicapped Certificate by following the requisite procedure. However, the certificate issued to the petitioner on 12th July 2024 was signed by the Orthopedic Surgeon, Class-II and was bearing a stamp of the office of the Civil Surgeon. The petitioner could not be blamed for such certificate being issued to him since he had no control over the same. The same is ought to have been certified by the Civil Surgeon / Medical Board, as required. During pendency of the writ petition, the petitioner made a fresh application for being issued such certificate as per Annexure VI.

Accordingly, on 8th August 2024 another certificate indicating 45% disability was issued to the petitioner. The learned counsel for the petitioner has tendered copy of the said certificate for perusal. In these facts, it is prayed that the petitioner be treated as eligible in the Persons with Disability category for seeking admission and that his name be included in the Final Merit List under that category.

4. Mr. T.R. Yadav, learned counsel appearing for respondent nos.1 and 2-MAFSU relied upon the affidavit-in-reply and submitted that since the petitioner's certificate dated 12th July 2024 was not signed by the Civil Surgeon / Medical Board, the same was rightly rejected. The MAFSU had acted in accordance with Clause 6.5 of the Admission Brochure. The earlier Disability Certificate dated 23rd November 2011 could not be considered for granting admission to the petitioner. It is therefore submitted that the writ petition was liable to be dismissed.

5. We have heard the learned counsel for the parties and we have perused the documents on record. Undisputedly, under Clause 6.5 of the Admission Brochure, a Disability Certificate certified by the Civil Surgeon / Medical Board is required to be produced for seeking benefit of reservation for physically handicapped candidates. The certificate relied upon by the petitioner dated 12th July 2024 has been signed by the Orthopedic Surgeon, Class – II but bears the seal of the office of the Civil

Surgeon. The learned Assistant Government Pleader, on instructions, submits that the Orthopedic Surgeon is also a member of the Medical Board. We find that the petitioner having applied for issuance of Physically Handicapped Certificate as per Annexure VI, the office of the Civil Surgeon ought to have issued the same in accordance with Clause 6.5 thereof. The petitioner cannot be blamed for being issued a certificate signed by the Orthopedic Surgeon, Class – II. The petitioner has now produced another certificate under Annexure VI dated 8th August 2024, which is taken on record and marked “A” for identification. This too indicates 45% disability and is signed by the Medical Board. Given the fact that the permanent disability of the petitioner is not disputed nor is any question raised about the validity of the earlier certificate dated 12th July 2024, we are inclined to direct consideration of the petitioner’s claim as a candidate belonging to the physically handicapped quota. An additional reason is that the Final Merit List is to be displayed tomorrow. Hence without disturbing the revised schedule for admission for the year 2024-25, the candidature of the petitioner can be considered.

6. Accordingly, the following order is passed :-

- (i) Accordingly, the Provisional Merit List of eligible candidates holding the petitioner ineligible to that extent is quashed. Similarly, rejection of the petitioner’s candidature is also set aside.

- (ii) The petitioner shall send a copy of the Physically Handicapped Certificate dated 8th August 2024 signed by the Medical Board to the respondent no.2 through all modes permissible including through e-mail. The same shall be done during the course of the day.
- (iii) Accordingly, the respondent no.2 shall take necessary steps to include the petitioner's name in the Final Merit List of candidates seeking admission to the Bachelor of Veterinary Science and & Animal Husbandry Degree Course 2024-25 in the Persons with Disability quota.
- (iv) Needless to state that the admissions shall be granted in accordance with the procedure prescribed.

7. We place on record appreciation of the steps taken by the learned Assistant Government Pleader in enabling the petitioner to secure the Physically Handicapped Certificate dated 8th August 2024.

8. Rule is made absolute in aforesaid terms.

9. Parties to act on authenticated copy of this order.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]