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

WRIT PETITION NO. 11554 OF 2024.

Mr. Aniket G. Shirsath

.. Petitioner

Versus

Union of India
& Others

.. Respondents

SMITA
RAJNIKANT
JOSHI

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SMITA RAJNIKANT
JOSHI
Date: 2024.08.20
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Adv. Mr. Abhineet N.Pange with Adv. Swapnil R. Chopade,
for the Petitioner.

Adv. Mr. Rui Rodrigues with Adv. Gargi Warunjikar with
Adv. S. S. Bedekar, for Respondent No.1-UOI.

Adv. Mr. Rui Rodrigues with Adv. Jainendra Sheth, for
Respondent No.2- NTA.

Adv. Ms. S. S. Bhende, AGP, for Respondent-State.

CORAM: B. P. COLABAWALLA &

FIRDOSH P. POONIWALLA, JJ.

DATE: AUGUST 20, 2024

P. C.

1. The above Writ Petition is filed seeking to quash and set aside the Disability Certificate dated 9th August, 2024 issued by Respondent No.3 and for a Writ of Mandamus to direct Respondent No.3 to conduct the re-

examination of the disability tests of the Petitioner herein as expeditiously as possible.

2. The grievance of the Petitioner is that though he has got a Certificate from the Government Hospital at Beed namely – from the District Civil Hospital, Beed, Maharashtra, indicating that the Petitioner suffers from 40% disability in relation to both eyes (visual impairment), Respondent No.3 has given a Certificate stating that disability is only 10% which would disqualify the Petitioner from applying under persons with disability (PWD) category.

3. The learned Counsel has also brought to our attention a report of the Department of Ophthalmology of MIMSR Medical College and Yeshwantrao Chavan Rural Hospital, dated 15th February 2022, which indicates that he has visual impairment of 40%. It is in this light that the learned Counsel appearing for the Petitioner submitted that Respondent No.3 be directed to once again re-examine the Petitioner with reference to his vision disability. The learned Counsel further stated on instructions that, whatever be the certificate granted by Respondent No.3 after re-examination, will be accepted by the Petitioner and will not be challenged.

4. Considering the peculiar facts and circumstances of the present case and after hearing the learned Counsel for the Petitioner, we are of the opinion that one last opportunity be given to the Petitioner to see if he would qualify to apply for medical admission under the PWD Category.

5. In these circumstances, we request Respondent No.3 to immediately constitute a 3 member board to re-examine the Petitioner with reference to his visual impairment and inform this Court whether he would qualify for a medical seat under the PWD Category. We would request Respondent No.3 to undertake this exercise immediately and inform this Court of the same by 22nd August, 2024. To enable Respondent No.3 to undertake this exercise, we direct that the Petitioner shall present himself for re-examination before Respondent No.3 at 11.00 a.m. tomorrow i.e. 21st August, 2024.

6. We now place the above matter on 22nd August, 2024. The learned AGP is requested to inform Respondent No.3 of this order so that the directions given herein are complied with.

7 Stand over to 22nd August, 2024.

8. 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.]