

**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

**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.**

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

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

DATE: AUGUST 22, 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 re-examination of the Petitioner herein as expeditiously as possible with regard to his disability.

2. The grievance of the Petitioner is that though he has got 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 his disability is only 10%, and which would disqualify the Petitioner from applying under the Persons with Disability (PWD) Category.

3. When the matter had come up on 20th August, 2024, it was brought to our attention that there was a report of the Department of Ophthalmology of MIMSR Medical College and Yeshwantrao Chavan Rural Hospital, dated 15th February, 2022, which indicated that the Petitioner had a visual impairment of 40%. It is in this light that on 20th August, 2024, the learned Counsel appearing on behalf of 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, on instructions, further submitted that whatever be the certificate granted by Respondent No.3 after re-examination, would be accepted by the Petitioner and would not be challenged. In these circumstances and purely taking into consideration that the Petitioner was a student, we had requested Respondent No.3 to constitute a three 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.

4. Today when the matter is called out, the learned Counsel appearing on behalf of the Petitioner has in fact, tendered the Certificate of the Government Medical College and Sir J. J. Group of Hospitals, Bombay dated 21st August, 2024. This certificate holds that the disability suffered by the Petitioner is only 10% and, therefore, the Petitioner is not eligible for applying under the PWD Category, but is eligible for undertaking any Medical/ Dental Course. The learned Counsel for the Petitioner fairly stated that in light of this certificate, now nothing would survive in the above Writ Petition as Petitioner cannot apply for admission in a Medical / Dental Course under the PWD Category. He, therefore, submitted that the Writ Petition can be disposed of.

5. We have heard the learned Counsel for the parties. We have also examine the certificate of disability granted by the Government Medical College and Sir J. J. Group of Hospitals, Bombay, dated 21st August, 2024. This certificate clearly states that the disability suffered by the Petitioner is 10% and, therefore, the Petitioner is not eligible to apply and/or seek admission in any Medical/ Dental Course under the PWD Category. It is also

stated that it is open to him to seek admission under the open category. The aforesaid certificate dated 21st August, 2024 is taken on record and marked “X” for identification.

6. In the light of the aforesaid certificate, we hold that at-least for this year, the Petitioner cannot seek admission in any Medical/ Dental Course under the PWD Category. It is open for him to seek admission under the Open Category. In the light of the statement made by the learned Counsel for the Petitioner on 20th August, 2024 that the certificate issued by the said Hospital [after re-examination] will not be challenged, nothing now further survives in the above Writ Petition and the same is accordingly disposed of. However, in the facts and circumstances of the case, there shall be no 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.]