



Darshan Patil

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11807 OF 2024

Shahid Akeel Shaikh

...Petitioner

Versus

Union of India and Ors.

...Respondents

Mr Vivek Punjabi, a/w Adv Priyansh Jain, for the Petitioner.
Mr Rui Rodrigues, a/w Vinit Jain, for Respondents 1 and 2.
Ms M P Thakur, AGP, for the Respondent-State.

CORAM **M.S. Sonak &
Kamal Khata, JJ.**
DATED: **11 September 2024**

PC:-

1. Heard Mr Vivek Punjabi for the petitioner and Mr Rui Rodrigues for respondents 1 and 2. At our request and considering the urgency of the matter Ms M P Thakur, learned AGP, appears for the 3rd respondent.

2. After the institution of this petition, the petitioner instituted Writ Petition (Civil) No. 552 of 2024 before the Hon'ble Supreme Court. By order dated 06 September 2024, Hon'ble Supreme Court relegated the petitioner to this Court. The order dated 06 September 2024 reads as follows:-

“1 The petitioner has already instituted a petition under Article 226 of the Constitution through legal aid counsel of the Bombay High Court Legal Services Committee. In that view of the matter, it would not be appropriate to entertain a petition under Article 32 of the Constitution, particularly since it deals with an individualized grievance pertaining to admission to the under-graduate medical course.

2 Since the petition is pending before the High Court, we permit the Advocate for the petitioner to move the Registrar Judicial) of the High Court, who may seek administrative directions from the learned Chief Justice for listing it before an appropriate Bench so that it can be taken up at an early date.

3 The Petition is accordingly disposed of.

4 Pending applications, if any, stand disposed of.”

3. Yesterday, this matter was assigned to this bench. Accordingly, we posted the matter today at 10.30 a.m. At the request of Mr Punjabi, we grant the petitioner leave to implead the State of Maharashtra, State Common Entrance Test Cell and All India Institute of Physical Medicine and Rehabilitation (“**AIIPMR**”) as respondents.

4. Amendment to be carried out forthwith. Reverification is dispensed with. Again, at our request and considering the urgency Ms M P Thakur, learned AGP shall also appear for the State of Maharashtra.

5. The petitioner will have to take immediate steps to serve the newly added respondents i.e. State Common Entrance Test Cell and AIIPMR.

6. The petitioner claims that in the first round of admission, the petitioner was provisionally selected for admission to the MBBS course at Government Medical College, Kudal, Sindhudurg under the category of PWD-OBC (PH). However, when the petitioner approached Grant Government Medical College and Sir J.J. Group of Hospital (respondent No.3) which is one of the hospitals for verifying the disabilities, the said hospital declined to examine the petitioner and verify the disability on the ground that the petitioner had not opted for PWD category in the NEET application form.

7. Mr Punjabi states that such non-examination and non-verification were not proper. He has submitted that the second round of counselling is now scheduled for 25 September 2024. He, therefore, submits that some urgent order ought to be made directing either the Grant Government Medical College (respondent No.3) or AIIPMR to examine the petitioner and verify his disability status.

8. Mr Rodrigues, learned counsel for the 1st and 2nd respondents seeks some time to file a response to the issues raised in this petition. He states that such a response will be filed at the earliest so that there is no delay in the matter.

9. Accordingly, we direct the respondent to file their replies by 18 September 2024. However, the advance copy should be furnished to the petitioner **by email on or before 17 September 2024**. We propose to list this matter for final disposal on 19 September 2024 given the urgency.

10. In the meantime, we direct the AIIPMR to immediately examine the petitioner and verify his disability status. Such verification is a requirement of the admission process.

11. Therefore, if ultimately, we find favour with the petitioner, a situation should not arise when the petitioner cannot be granted relief because of the delay in the verification process.

12. The petitioner should present himself before the Director of AIIPMR by **tomorrow i.e. 12 September 2024 by 12 noon**. The Director is requested to get the petitioner examined and submit the necessary certification.

13. Considering that this petition is posted for final disposal on 19 September 2024 we request the Director to complete this process at the earliest and in no event later than 17 September 2024.

14. List on 19 September 2024, high on board, for final disposal.

15. All concerned to act on the authenticated copy of this order.

(Kamal Khata, J)

(M.S. Sonak, J)