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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 Prahlad Paranjape, a/w Mr Priyansh R. Jain i/b. Adv. Vivek Punjabi, for the Petitioner.

Mr Rui Rodrigues, a/w Mr Vinit Jain, for Respondent No.1 (UOI).

Ms M. P. Thakur, AGP, for the Respondent-State.

Mr Rui Rodrigues, a/w Mr Jainendra Jain, for Respondent No.2-NTA.

CORAM M.S. Sonak &
Kamal Khata, JJ.
DATED: 19th September 2024

PC:-

1. Heard learned counsel for the parties.
2. The Registry is directed to accept a vakalatnama of Mr Vivek Punjabi on behalf of the Petitioner given the background of this case.
3. By our order dated 11th September 2024, we had directed All India Institute of Physical Medicine and Rehabilitation (“**AIIPMR**”) to immediately examine the

Petitioner and verify his disability status. We are happy to note that the doctors at AIIPMR, including, in particular, Dr Mahesh Choudhary, Dr Sumedh More and the Consultant (Ortho) Mr Vivek Pusnake have acted with utmost promptitude in examining the Petitioner and determining his disability status. Dr Choudhary is present in the Court and states that he has come with the necessary certification. He states that he is personally present in the Court, should this Court, require any clarification in the matter. All this promptitude and sensitivity is greatly appreciated.

4. The AIIPMR, upon examining the Petitioner has now certified that the Petitioner is indeed afflicted with locomotor disability. The specified disability is “Sensory motor demyelinating axonal poly neuropathy”. The extent of disability is 40%. Based upon all this, the Disability Certification Board has certified that the Petitioner is eligible for admission in Medical/Dental courses (as per the NMC norms/guidelines). A copy of this certification in the prescribed form dated 17th September 2024 is taken on record.

5. Mr Rodrigues, learned counsel for Respondent Nos.1 and 2 has tendered an affidavit on behalf of the 2nd Respondent. He has submitted that grant of any relief to the Petitioner particularly against the all India quota of 15% would have a cascading effect and the reasons why such reliefs should be declined have been set out in the affidavit-in-reply of the 2nd Respondent.

6. Mr Paranjape, learned counsel for the Petitioner submits that the State Common Entrance Test Cell, Maharashtra has already selected the Petitioner provisionally for admission to the MBBS faculty at the Government Medical College, Kudal, Sindhudurg against the PWD-OBC (PH) quota. He submitted that this admission was not finalised by the State Common Entrance Test Cell only because the Petitioner could not immediately produce the certification from the Disability Certification Board. Mr Paranjape submitted that the Petitioner had in fact immediately approached the Grant Government Medical College and Sir J.J. Group of Hospital (Respondent No.3) which was one of the hospitals for verifying the disability status, but the hospital had declined to verify the Petitioner's disability status on the alleged ground that the Petitioner had not opted for PWD category in the NEET application form. Mr Paranjape submits that since now the AIIPMR which is also one of the designated hospitals for certifying the disability status has examined the Petitioner and concluded that he is eligible for admission to the Medical/Dental courses as per the NMC norms/guidelines, the Petitioner's provisional selection should be finalised in the counselling ground now scheduled on 25th September 2024.

7. Precisely to consider the adoption of the above course of action, we had granted the Petitioner leave to implead the State Common Entrance Test Cell and AIIPMR as Respondents to this Petition. The amendment has been duly carried out and, even the State Common Entrance Test Cell has been duly served in the matter. A covering letter dated 11th September

2024 along with endorsement from the State Common Entrance Test Cell is produced for our perusal.

8. Ms Thakur, learned AGP states that the State Common Entrance Test Cell has its own panel of advocates and therefore, she would not be able to appear on behalf of the State Common Entrance Test Cell. After notice, and considering the urgency of the matter, the State Common Entrance Test Cell should have appeared today. This is more so because this is a matter where the Hon'ble Supreme Court has relegated the Petitioner to this Court with a request for listing at an early date.

9. Ms Thakur, learned AGP and Mr Rodrigues, learned counsel for the 1st Respondent state that they would inform the State Common Entrance Test Cell about this order and the fact that this Petition is tomorrow posted for final disposal.

10. In any event, we grant the State Common Entrance Test Cell an additional opportunity, we post this matter on 20th September 2024 for directions/final disposal.

(Kamal Khata, J)

(M.S. Sonak, J)