

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

Writ Petition NO. 13072 OF 2024

Suyash Suryakant Patil

...Petitioner

Versus

National Medical Commission

Thr. Its Secretary And Ors

...Respondents

...

Mr. Shantanu Derhgawen (through VC), Advocate for the petitioner.

Mrs. M. S. Srivastava, AGP for the Respondent-State.

Mr. Ganesh Gole a/w. Mr. Viraj Shelatkar, Advocate for respondent No.1-NMC.

...

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

DATE : 17th OCTOBER, 2024.

PC. :

1. Our attention is invited to the judgment of the Supreme Court in Civil Appeal No.10611 of 2024 (*Omkar Ramchandra Gond V/s. The Union of India & Ors*) wherein despite presence of bench mark disability, such candidate would be able to pursue the relevant course has been considered. The petitioner was examined on 5th August 2024 pursuant to which respondent No.2 has issued a Certificate of Disability on 6th August 2024 indicating speech disability of the petitioner exceeding of 40%. In the light of the decision referred to herein above, it will be necessary to examine

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the petitioner's functional disability by Disability Board to indicate his ability to undertake such course. In the notice published by the Director General of Health Services, AIIMS Nagpur is a centre competent to issue such Disability Certificate. The petitioner is permitted to have himself examined at AIIMS Nagpur in the light of the Disability Certificate issued to him on 6th August 2024. Since the last date of joining pursuant to the Round-3 of the NEET-UG programme is scheduled on 18th October 2024, by way of an ad-interim relief, it is directed that the petitioner be admitted to the MBBS Course in the PwD quota on provisional basis and subject to outcome of the Petition. The petitioner will not be entitled to claim any equity and his admission would be dependent upon the determination of his disability.

2. Put up for further consideration on 24th October 2024 under the caption "For Directions".
3. All parties to act on authenticated copy of this order.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]