



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

WRIT PETITION NO. 4918 OF 2024

(Om s/o Laxmikant Rathod ..vs.. The Senior Director (NTA) New Delhi, and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A.P. Tathod, Counsel for the petitioner,
Mr. S.A. Chaudhari, Counsel for respondent Nos.1 and 2,
Mr. N.S. Deshpande, DSGI for respondent Nos.4 and 5.

**CORAM : NITIN W. SAMBRE &
ABHAY J. MANTRI, JJ.**

DATED : 03-09-2024

Heard Mr. A.P. Tathod, learned Counsel appearing for
the petitioner.

2. The petitioner passed the 10th and 12th Standard
Examination from Central Board of Secondary Education,
since he was aspiring of making admission to the medical
course.

3. Based on the NEET 2024 examination and specially
abled person holding a certificate to that effect, applied for
admission from the said category.

4. It appears that the petitioner claims for admission
from the disabled category is based on the nature of ailment

i.e. “Limb Grindle Muscular Dystrophy”. The petitioner is held to be not eligible to pursue the medical course and his disability was assessed by the Board consisting of Associate Professor, Physical Medicine and Rehabilitation; Assistant Professor, Orthopedics; and Professor, Chairman Disability Board at AIIMS, Nagpur vide Certificate of Disability dated 13-8-2024.

5. The said decision is assailed by the petitioner alleging that the guidelines regarding admission to the students is “Specified Disabilities” under the Right to Persons with Disabilities Act, 2016 with respect to admission in M.B.B.S. Course is not adhered to. According to Mr. A.P. Tathod, learned Counsel, for assessing the range of disability, the said guidelines contemplate that in case if the degree of disability is 40% to 80%, he can be said to be eligible for the admission to M.B.B.S. Course. According to him, the assessment of the petitioner thereby certifying 88% of disability is *de hors* the guidelines.

6. According to him, the said guidelines, which provide for determining the range of disability, contemplate the use of

assistive device by the disabled candidate so as to calculate his degree of disability, which is not done in the case in hand.

7. As such, he would urge that it is necessary to quash and set aside the impugned certificate thereby rejecting the candidature of the petitioner certifying his degree of disability of 88% which is more than 80% as prescribed.

8. As against above, Mr. N. Deshpande, learned Deputy Solicitor General of India appearing for respondent Nos.4 and 5, has produced the entire record about procedure undertaken for assessment of the degree of disability of the petitioner.

9. According to him, from the documents produced on record, it is apparent that the Board has taken recourse to all possible measures so as to assess the degree of disability of the petitioner. So as to substantiate his contentions, he has relied on the record which is maintained with the respondent-Board.

10. Our attention is also invited to the Notification dated 12-3-2024 issued by the Ministry of Social Justice and

Empowerment in the matter of procedure to be adopted in certifying the disability. As such, he would urge that the requisite procedure is duly adopted.

11. We have perused and considered the record produced by the learned Deputy Solicitor General of India.

12. Perusal of the record depicts that the Expert Board has taken recourse to the procedure as is contemplated under Appendix "H-1". Dr. Manish Shrigiriwar, The Chairman of the Disability Board and Dr. Swapnil Pramod Sonune, Associate Professor, Physical Medicine and Rehabilitation are physically present in the court, who have endorsed the views as are reflected in the certificate of evaluation of degree of disability. It is justified by said expert that the certification of degree of disability of the petitioner is in accordance with the prescribed procedure.

13. In that view of the matter, we hardly see any reason to disbelieve the certificate issued by the Expert Body based on examination of the petitioner. In our opinion, the Expert Body has duly taken recourse to the procedure which is

required to be adopted for the purpose of assessing the range of disability which is suffered by the petitioner.

14. Nothing contrary is placed on record to the above.

15. That being so, we see no reason to cause interference in the extraordinary jurisdiction.

16. The petition accordingly stands dismissed.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

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