



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-19669-2024

Date of decision : 23.08.2024

Yashvee Aggarwal

.....Petitioner

Versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Dixit Garg, Advocate,
for the petitioner.

Mr. Pardeep Rajput, Advocate, for
Mr. Vipul Aggarwal, Senior Panel Counsel, UOI.

SHEEL NAGU, CHIEF JUSTICE (Oral)

1. The petitioner is an aspirant for admission to MBBS course under 5% reservation for Persons with Disability (PwD) category.
2. The grievance of the petitioner, as projected by learned counsel, is that without giving specific opinion as regards loss of sensations in fingers, the Medical Board comprising of three Doctors, vide certificate dated 07.08.2024 (Annexure P-7), opined thus :

“Remark : Congenial Deficiency of Toes Bilateral hand and foot

The Disability Certificate Board certifies that the candidate is Not Eligible for admission in Medical/Dental Courses



and to avail 5% PwD reservation as per the NMC/MCI Gazette Notification.

If Not Eligible the reason for the same is : Congenial Deficiency of Toes Bilateral hand and foot.

*Functional competency with the aid of **Assistive devices** in case of **Locomotor/Visual/Hearing impairment**, if any : As both hands intact with sensations sufficient strength and range of motion are essential to be considered eligible for medical course.”*

3. Neither the composition of the Medical Board is under challenge nor any malafides are alleged against any of the members of the Medical Board. Moreso the procedure prescribed does not provide for remedy of appeal against the opinion of the Medical Board.

3.1 The Medical Board, comprising of three Doctors in relevant field, opined the petitioner to be not eligible for admission to Medical/Dental course under 5% PwD reservation category as per NMC/MCI norms. The reasons assigned are “Congenial Deficiency of Toes Bilateral hand and foot” and as such petitioner is wanting in the locomotive attribute of both hands intact with sensations and sufficient strength and range of motion, required for medical course.

4. Over the aforesaid opinion given by experts in the field of medicine, this Court cannot sit in appeal to take a different view, especially when enough reasons have been given which appear to be in line with the procedure laid down in Appendix H-1 (Guidelines regarding admission of students with “Specified Disabilities” under the Rights of Persons with Disabilities Act, 2016 with respect to admission in MBBS Course), appended to the notification dated 13.05.2019 (Annexure A-1).



5. It is settled in law that the Court, in absence of any expertise in the field of medical, cannot substitute its opinion in place of opinion of experts in the field.
6. This Court, therefore, sees no reason to interfere in the matter.
7. Petition stands dismissed.

(SHEEL NAGU)
CHIEF JUSTICE

(ANIL KSHETARPAL)
JUDGE

August 23, 2024
ndj

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No