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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 11788/2024 & CM APPL. 49001/2024**

PAARTH KUMAR

.....Petitioner

Through: Mr. Mayank Sapra and Ms. Lalima
Das, Advocates alongwith petitioner
in person

versus

NATIONAL MEDICAL COMMISSION AND ORS.Respondents

Through: Mr. Pavan Narang, Senior Panel
Counsel with Ms. Aishwarya
Chhabra, Govt Pleader and Mr.
Himanshu Sethi, Advocate for R-
4/Ministry of Health

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

09.09.2024

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1. The present writ petition has been filed under Article 226 of the Constitution of India on behalf of the petitioner seeking grant of following reliefs:

“A. Direction to the Respondent No. 2 to declare the Petitioner eligible to pursue medical course;

B. In the alternative to prayer A, direction to Respondent No. 1 via Respondent No. 3 that a seat be earmarked for the Petitioner and the same be kept vacant, pending the outcome of the present writ petition;

C. In the alternative to Prayer A, direction to the Respondent No. 1 to direct the reevaluation of the Petitioner and assess his suitability to pursue MBBS Course.

D. Grant the Petitioner compensation to the tune of INR 10,00,000/- for the harm and harassment suffered by him due to the callous and cavalier attitude of the Respondents...;

2. After hearing arguments from both the parties, this Court, *vide* last



order dated 03.09.2024, had directed as under:

“...Having considered the submissions made by learned counsel appearing on behalf of the parties and in view of the similarity of the facts of the present case with the aforesaid orders passed by Coordinate Benches, this Court as an interim measures finds it appropriate to issue following directions:-

- (i) The Director of All India Institute of Medical Science (AIIMS), New Delhi is directed to constitute a board of three experts in the relevant field to assess petitioner's disability and give an opinion on whether the petitioner could be able to pursue the said course and work as a doctor.
- (ii) The report of the AIIMS be furnished to this court in a sealed cover by 06.09.2024.
- (iii) The Board is at liberty to consider the applicable regulations.
- (iv) The petitioner shall appear for medical examination before the Director of AIIMS, New Delhi at 2:30 PM on 05.09.2024...”

3. Today, a report has been received from the Medical Board constituted at AIIMS for medical examination of petitioner, in compliance with order dated 03.09.2024, wherein it has been opined as under:

“...The meeting of the Medical Board was held on 06.09.2024 (Friday) at 12:00 Noon in Consultation Room No. 13, M.S. Office Wing, ground floor, AIIMS, New Delhi. The available reports, earlier disability certificates and medical documents were reviewed and the petitioner Sh. Paarth Kumar was examined by the members of this Medical Board.

This candidate Sh. Paarth Kumar has produced a Disability Certificate dated 05.04.2023 issued from the Issuing Medical Authority, South West, Delhi stating that he is a case of Muscular Dystrophy, Facio Scapulo Humeral Dystrophy and has 56% (Fifty six percent) Disability in relation to his all four limbs.

A subsequent evaluation report dated 14.08.2024 issued from a designated Centre for issuing Disability Certificate for NEET requirements, namely the Vardhman Mahavir Medical College & Safdarjung Hospital, New Delhi also assessed the disability percentage as 56% (Fifty Six per cent).



This Medical Board after clinical and functional assessment of the candidate concurs with the diagnosis and percentage of disability assessed and recorded by the Vardhman Mahavir Medical College & Safdarjung Hospital, New Delhi on 14.08.2024. The petitioner has weakness of both upper limbs but the dominant upper limb which is the right upper limb is very little involved. There is greater involvement of his left upper limb which is non-dominant and supporting limb. He is independent in walking as both his lower limbs have good range of motion, muscle strength, stability and coordination.

Therefore, in view of above, this Medical Board opines that the petitioner Sh. Paarth Kumar may be considered ELIGIBLE to join the MBBS course. He belongs to the category of Persons with Benchmark Disability (40% and above)."

4. Thus, the petitioner herein has been opined to be 'Eligible' to pursue M.B.B.S. course, under the 'Persons with Benchmark Disability (40% and above) category.
5. Learned counsel appearing on behalf of respondents state that they have no objection if the petitioner is allowed to pursue M.B.B.S. course, considering the report received from AIIMS, New Delhi.
6. In view of the aforesaid, and considering that the Medical Board at AIIMS has opined that the petitioner is eligible to pursue M.B.B.S course, under PWBD category, the respondents herein are directed to immediately take appropriate steps in this regard, including opening of online portal for the petitioner to ensure that he is able to pursue M.B.B.S. course. No other relief has been prayed for, at this stage.
7. In view of above terms, the present petition stands disposed of.
8. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

SEPTEMBER 09, 2024/ns

Click here to check corrigendum, if any