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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 13370/2024 and CM APPL. 55835/2024

HRIT SHARMA

.....Petitioner

Through: Mr. Chandra Prakash Sharma, Adv.

versus

NATIONAL MEDICAL COMMISSION & ORS.Respondents

Through: Mr. T. Singhdev, Mr. Abhijit Chakrawarty, Mr. Bhanu Gulati, Mr. Anum Hussain, Mr. Aabhaas, Mr. Tanishq Srivastav, Mr. Sourabh Kumar and Ms. Ramanpreet Kaur
Adv. for R-1
Ms. Mahamaya Chatterjee, GP for R-4
Ms. Meera Bhatia, Adv. for R-2&3

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

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03.10.2024

8. In pursuant to order dated 23.09.2024 passed by this Court, AIIMS has submitted its report dated 30.09.2024, which reads as under:-

Subject: Report of the medical board constituted at AIIMS for medical examination of Petitioner Sh. Hrit Sharma in compliance of order dated 23.09.2024, Hon'ble High Court of New Delhi vide WP. (C) 13370/204 & CM APPL. 55835/2024 titled Hrit Sharma Versus National Medical Commission & Ors.



With reference to the aforementioned subject, the Medical Superintendent, AIIMS, New Delhi constituted a Medical Board consisting of the following members: -

*1. Dr. S.L. Yadav - Chairperson
Professor, Deptt. of P.M.R.*

*2. Dr. Srikumar V. -Member
Addl. Professor, Deptt. of P.M.R.*

*3. Dr. Pradeep Kumar -Member
Assoc. Professor, Deptt. of Hematology*

*4. Dr. Ranjith Raam Kumarr G. -Member Secy.
Department of Hospital Administration*

The meeting of the Medical Board was held on 30.09.2024 (Monday) at 03:00P.M. in Room No. 1. PMR OPD, Ground floor, Deptt. of PMR. AIIMS, New Delhi. The available reports, earlier disability certificates and medical documents were reviewed. The petitioner Sh. Hrit Sharma was present and was examined by the members of Medical Board.

This Medical Board after detailed assessment of the candidate states that the said candidate Sh. Hrit Sharma belongs to the category of persons with benchmark disability (forty percent or more disability) due to Hemophilia A and related locomotor disability. This disability is of the blood disorder and locomotor system and permanent in nature.

*The Medical Board is of the opinion that the petitioner **Sh. Hrit Sharma** is **NOT ELIGIBLE to pursue the MBBS graduation course** as per the current NMC norms due to significant involvement of the right upper limb."*

9. The Court also takes note of the decision dated 18.04.2022 passed by the Division Bench of this Court in the case titled as ***Neha Pudil v. Union of India and Ors.*** and order dated 31.10.2023 passed by the Supreme Court in the case W.P.(C) No. 856 of 2023 titled as ***Bambhaniya Sagar Vasharambhai v. Union of India & Ors.***

10. The Division Bench in ***Neha Pudil (supra)***, while taking note of the report of the AIIMS, rejected the submissions made by the petitioner therein



to accede to the relief. The Court also took note of the fact that if the petitioner is unable to undertake the course and serve as MBBS Doctor, the relief prayed for cannot be acceded to, in exercise of the discretionary power of the Constitutional Court.

11. Similarly, the Supreme Court in *Bambhaniya Sagar (supra)*, while taking note of the fact that the essential condition of the admission norms were not fulfilled, has rejected the prayer sought therein.

12. Accordingly, the Court is unable to accede to the prayer made in the instant writ petition.

13. Therefore, the same is accordingly dismissed.

14. The petitioner, however, shall be at liberty to claim admission in any other course, which may be permissible in accordance with the extant regulations.

PURUSHAINDR KUMAR KAURAV, J

OCTOBER 3, 2024

Nc/DPA