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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 14332/2024 & CM APPLs.59995-59996/2024

ROSHAN LAL DHANKA

.....Petitioner

Through: Mr.Rajender Yadav, Advocate along
with petitioner-in-person

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr.Kavindra Gill, Advocate for R-1
& 2
Mr. Tarandeep Singh, Advocate for
NTA
Mr. T Singhdev, Mr.Abhijit
Chakravarty, Ms.Anum Hussain,
Advocates for NMC/R-5

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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22.10.2024

1. In pursuance to the last order, the medical board constituted by Director, AIIMS has examined the petitioner and prepared its report dated 21st October, 2024, which has been communicated to the Court by way of a sealed cover. The relevant extract of the said report is reproduced as under:-

“...Meeting of the Medical Board was held on 19.10.2024 (Saturday) 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 carefully reviewed. The petitioner Mr. Roshan Lal Dhanka was also present and he was examined by members of the Medical Board.

Mr. Roshan Lal Dhanka has shared copies of a few Disability Certificates obtained by him:

- *dated 5.12.2011 from Rajeev Gandhi General Hospital, Alwar with more than 40 % disability,*
- *dated 13.1.2013 issued from Alwar, Rajasthan with more than fifty percent disability,*



- dated 26.2.2024 issued from Dept. of Medical & Health, Alwar with 41% disability,
- dated 24.8.2024 issued from Dr. RML Hospital, New Delhi with 70% disability.

This Medical Board elicited medical history and clinical assessment of the said candidate Mr. Roshan Lal Dhanka, aged 19 years. UHID:107872741, son of Mr Jagdish Prasad Dhanka, as well as considered the most recent X-ray of the affected part of the candidate. The candidate is a known case of congenital below-elbow (trans-radial) amputation since birth. The left below-elbow stump is very short. The candidate has denied use of any artificial limb or assistive device, nor produced any prescription or production of any such item. The extent of his disability is 70% (Seventy percent) in relation to his left upper limb as per the revised Guidelines notified by the Govt. of India in March 2024. He belongs to the category of persons with benchmark disability (forty percent or more disability) due to congenital left Trans Radial (Below Elbow) amputation. This disability is of the locomotor system and permanent in nature.

Based on detailed assessment and the existing guidelines related to this subject, this Medical Board is of the unanimous opinion that the petitioner Mr. Roshan Lal Dhanka has critically significant limitations in his abilities to perform certain basic functions. He will not be able to pursue MBBS course satisfactorily and perform the functions expected from an MBBS doctor due to a very significant impairment/disability, namely, congenital below-elbow amputation with very short stump. It is pertinent to mention that MBBS is a long-duration competency-based programme wherein a variety of skills to be learnt and performed, some of which can be life-saving and require rapid response. Mr Roshan Lal Dhanka is considered NOT ELIGIBLE to pursue the UG medical course (MBBS) as per the norms notified by the National Medical Commission (NMC) in this regard."

2. In view of the aforesaid report, the present writ petition along with applications is closed.

MANMOHAN, CJ

TUSHAR RAO GEDELA, J

OCTOBER 22, 2024
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