

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18821 of 2025

=====

Rajneesh Kumar Raj, S/o Ranjeet Kumar, R/O Ward No 11, Village-Bazidpur, Post- Satanpur, Thana Ujiyarpur, Samastipur, Ujiyarpur, Samastipur, Bihar- 848132

... .. Petitioner/s

Versus

1. Bihar Combined Entrance Competitive Examination Board Through Chairman, I.A.S. Association Building, near Patna Airport, Patna - 800014, Bihar (India)
2. Darbhanga Medical College Through Principal, Laheriasarai, Darbhanga, Bihar-846003
3. The Examination Controller, Bihar Combined entrance competitive Examination Board (BCECEB), office at I.A.S. Association, Building Near Patna, Airport Patna - 800014.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Naman Jain, Adv. Mr. Rishi Raj, Adv.
For the State	:	Mr. Prasoon Sinha, Sr. Adv.
For the Respondents	:	Mr. Rajni Kant Jha, Adv. Mr. Prisu Snehil, Adv. Mr. Aman Anand, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 18-12-2025

Heard the parties.

2. This Court has earlier in its order dated 20.11.2025 noted that the petitioner, a successful candidate of National Eligibility cum Entrance Test (UG)-2025 under OBC-PWD category has approached this Court seeking a direction upon the concerned respondents to allow him to join Darbhanga Medical College, Laheriasarai, Darbhanga on the MBBS seat allotted to



him in the 3rd Round of Under Graduate Medical Admission Counselling, 2025. The facts have already been discussed as to under what circumstances the petitioner could not be able to submit his original certificate before the College concerned, due to which he could not secure his admission in the College. after taking note of the facts of the case a seat under UGMAC-2025 in the college, in question was kept reserved.

3. In course of hearing, a counter affidavit has been filed on behalf of Darbhanga Medical College, Laheriasarai with a categorical averment that the disability certificate duly furnished by the petitioner is not issued by the designated centers as has been pointed out during the document verification. The learned Advocate for the Darbhanga Medical College has submitted that the disability certificate issued by the designated centers is mandatory for securing admission in the college, since the petitioner failed to fulfill the condition as stipulated in paragraph no. 3.6.3 of Under Graduate Medical Admission Counselling, 2025, hence, his request for admission could not be considered, besides he failed to submit original certificate.

4. The learned Advocate for the petitioner clarified the position and submitted that the certificate for NEET admission



for specially abled candidate, with respect to the petitioner has been issued by the King George Medical University, Lucknow, Uttar Pradesh. However, it is issued through Dr. B.K. Ojha, Chief Medical Superintendent, of K.G.M. College hence, in the certificate the name of the Designated Disability Certification Center, it has been mentioned as Dr. B.K. Ojha.

5. One another counter affidavit has also been filed on behalf of the Bihar Combined Entrance Competitive Examination Board. In sum and substance, Mr. Prasoon Sinha, learned Senior Advocate, representing the Board submitted that the certificate which is duly furnished by the petitioner is not in terms with the format prescribed by the Medical Council of India under Gazette Notification dated 14.05.2019. It is categorically submitted that paragraph no. 4 of the Appendix H-1 of the said gazette states that “persons with hearing disability of more than 40% may be made eligible to pursue MBBS course and may be given reservation, subject to the condition that the hearing disability is brought to a level of less than the benchmark of 40% with the aid of assistive devices. In addition to this, individual should have a speech discrimination score of more than 60%”.

6. In response to the counter affidavit, a rejoinder has



been filed on behalf of the petitioner. It is submitted that the National Medical Commission as a statutory regulator of the medical profession of India has come out with a public notice dated 19.07.2025. The public notice stipulated a revised guideline for person with benchmark disability candidates, seeking admission in the MBBS course for the academic year 2025-26 in accordance with the Rights of Persons with Disabilities (RPwD) Act, 2016 and related notifications, as also in terms with the mandate of the Orders passed by the Hon'ble Supreme Court in the case of ***Om Rathod vs. The Director General of Health Services and Ors., (Manu/SC/1172/2024)***.

7. It is the specific contention of the petitioner that the benchmark percentage as has been provided under the 2019 notification, has taken away by the public notice dated 19.07.2025 issued by the National Medical Commission Under Graduate, Medical Examination Board. Referring to the afore-noted judgment rendered by the Apex Court in the case of ***Om Rathod (supra)*** it has also been apprised that the Court directed that the Disability Assessment Board shall institute from a benchmark mode and place the functional competence of medical aspirants with disability and the respondents were directed to issue appropriate guidelines in this regard. For



proper appreciation, it would be apt to quote paragraph no. 53 and 54 of the afore-noted decision :-

“53. We have noted above that Disability Assessment Boards must comply with rule of law principles by injecting transparency, fairness and consistency in their approach. The Boards must further elaborate on the reasons for the outcome of their assessment, in particular when they opine that the candidate is ineligible. The Disability Assessment Boards must focus on the functional competence of persons with disabilities and not merely quantify the disability. The quantification of disability is a task in need of a purpose within the human rights based model of disability. The functional competency approach to assessment for a medical course is globally recognised. To enable members of the Assessment Boards in effectively applying the functional competency test, they must be adequately trained by professionals and persons with disabilities or persons who have worked on disability justice. These trainings must be with a view to enhance the understanding of the Board members in assessing persons with disabilities and must not pathologize or problematize them.



54. The disability of a person is quantified at the time of availing a Unique Disability ID Card. 18 The quantification of disability is moot at the point of admission to educational courses since the eligibility for a person to benefit from reservation may be evaluated using the quantification in the UDID Card. If a person with disability wants to have themselves re-assessed so as to verify whether their disability falls within the prescribed parameters for reservation they may choose to do so by updating their UDID Cards. The role of the Disability Assessment Boards must be tailored (with a functional competency approach) only for the course which the candidate seeks to pursue.”

8. Having heard the submissions set forth by learned Advocate for the respective counsels and taking note of the interim guidelines on assessment method for granting admission in MBBS course to PwBD candidates for annual year 2025-26, this Court is of the opinion that the benchmark percentage as has been provided under the notification of 2019 has been taken away by the aforementioned interim guidelines. The National Medical Commission has also emphasized the prioritization of functional competency over rigid percentage base disability threshold. It would be also worth benefiting to recapitulate the



observation of the Apex Court highlighted in the case of ***Om Rathod (supra)***, where the Court sensitizing the authorities to the sufferings of the specially abled bodied candidate has observed as follows:

"32. Central to the principles of reasonable accommodation and the individualized experience of disability is the right to access legal protections without undue mental hardship. If persons with disabilities must repeatedly turn to the courts to correct the missteps of authorities, then the rights recognized by this Court and the RPWD Act risk becoming hollow assurances. For every person who has the awareness or ability to move this Court there are numerous others who suffer in silence. In the present case, the Appellant was subjected to protracted and mentally exhausting assessments that failed to apply the correct standards, leading to a declaration of ineligibility. His first journey by air was not for leisure or education but to undergo a medical assessment in Delhi by an order of this Court. In this process, valuable time was lost, and the Appellant faced intrusive and irrelevant questioning. Persons with disabilities often confront systemic failures



that engender a deep sense of disappointment a disappointment that reflects the frequency and predictability with which the system fails them. Those with disabilities who aspire to succeed must not only plan meticulously but also brace themselves for the barriers they will inevitably face due to their disabilities."

9. Since an objection has been lodged by the College as well as the Bihar Combined Entrance Competitive Examination Board, with respect to the disability certificate duly submitted by the petitioner with regard to his disability furnished under the signature of Dr. B.K.Ojha, as the same is said to have not falling under the list of the notified designated institutions/centres, in order to resolve the dispute once for all. This Court directs the petitioner to submit a fresh disability certificate duly issued by a notified designated institute/centre, preferably within a period of two weeks' from today before the college concerned alongwith other necessary documents. On submission of the all the requisite necessary papers and disability certificate, the same shall be duly verified by the concerned authorities of the College and on being satisfied, the competent authority shall take appropriate decision with respect to the admission of the petitioner forthwith, keeping in mind the



observation of the Highest Court of the land.

10. With the aforesaid direction, the present writ
petition stands disposed off.

(Harish Kumar, J)

supratim/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.12.2025
Transmission Date	NA

