

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Jay Sengupta

WPA 24177 of 2024

**Ritam Mandal
Vs.
Union of India & Others.**

For the petitioner	: Mr. Sourav Kumar Mukherjee Ms. Sohana Pal Mr. Souhardya Mitra
For the NMC	: Mr. Sunit Kr. Roy
For the State	: Mr. Biswabrata Basu Mallick (Ld. AGP) Ms. Parna Roy Choudhury
Heard on	: 16.01.2025
Judgment on	: 16.01.2025

JAY SENGUPTA, J.:

1. This is an application praying for direction upon the respondent authorities to re-examine/reassess the disability of the petitioner and/or his eligibility to be admitted into the under graduate medical course being a "PWD", and for declaring the purported certificate dated 9th August, 2024 a nullity.

2. Learned counsel appearing on behalf of the petitioner submits as follows. As per the disability certificate issued to the petitioner, he suffers from partial disability of 50 per cent. It is recorded there that he was orthopedically challenged with absence of certain toes and fingers. Therefore, he is otherwise functionally capable of getting admitted to a medical/dental course. Even his hospital discharge certificate issued during birth mentioned that the baby was born with missing fingers both in hand and feet. Therefore, there is no question of amputation of any finger or toe. However, in the Certificate of Disability for NEET Admission dated 9th August, 2024 issued by the IPGME&R, Kolkata, his physical disability was recorded as pertaining to amputation and amounted to 40 per cent. This is an error on the face of the record and needs to be corrected.
3. Learned counsel appearing on behalf of the NMC denies the allegation and submits that even with the kind of disability that the petitioner possesses, it is doubtful that he would have the functional ability to get admitted in a medical course.
4. Learned counsel appearing on behalf of the State adopts the submissions of the learned counsel for the NMC.
5. Before assessing whether the petitioner has the functional ability to get an admission in a medical/dental course, first the Certificate of Disability for NEET Admission dated 9th August,

2024 issued by the IPGME&R, Kolkata is to be corrected because there is an apparent error in the said certificate. While the said certificate refers to amputation as the cause of the petitioner's physical disability, the discharge certificate of the petitioner during birth and the disability certificate issued by the district hospital say otherwise.

6. In view of the above, let the respondent no. 7 take appropriate steps to have the functional ability of the petitioner reassessed afresh by the IPGME&R, Kolkata by other doctors than the ones who had issued the earlier certificate and an appropriate certificate of disability for NEET admission issued by the said authority. The entire exercise be concluded within four weeks from the date of communication of this order to the respondent no. 7. The IPGME&R, Kolkata and the petitioner shall cooperate with the respondent no. 7 in this.
7. The writ petition is, accordingly, disposed of.
8. As affidavits are not called for, allegations made are deemed not to have been accepted.
9. Parties shall act on the basis of the server copy of this order duly downloaded from the official website of this Hon'ble Court.

(JAY SENGUPTA, J.)