

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.2536 OF 2025

Girish Shriram Kadam,]
R/of Mukhed, Dist. Nanded] .. Petitioner

Versus

1. State of Maharashtra,]
Through State Common Entrance Test Cell]
2. National Testing Agency, New Delhi]
3. Grant Government Medical College, Mumbai]
4. Medical Counselling Committee, New Delhi]
5. Government Medical College, Nagpur]
6. Directorate of Technical Education, Mumbai] .. Respondents

ALONG WITH

WRIT PETITION NO.2539 OF 2025

Rohan Dangi,]
R/of Mukhed, Dist. Nanded] .. Petitioner

Versus

1. State of Maharashtra,]
Through State Common Entrance Test Cell]
2. National Testing Agency, New Delhi]
3. Grant Government Medical College, Mumbai]
4. Medical Counselling Committee, New Delhi]
5. Government Medical College, Jalgaon]
6. Directorate of Technical Education, Mumbai] .. Respondents

ALONG WITH

WRIT PETITION NO.2697 OF 2025

Kedarnath Madhavrao Deshmukh]
R/of Vivek Nagar, Dist. Nanded] .. Petitioner

Versus

1. The State of Maharashtra,]
Through Department of Medical Education & Drugs]
2. The State Common Entrance Test Cell,]
Maharashtra State, Mumbai]
3. Dr. V.M. Medical College, Solapur] .. Respondents

ALONG WITH
WRIT PETITION (STAMP) NO.6876 OF 2025

Pratiksha Sunil Baliga]
R/of Kandivali, Mumbai] .. **Petitioner**

Versus

1. State of Maharashtra,]
Through State Common Entrance Test Cell]
2. National Testing Agency, New Delhi]
3. Grant Government Medical College, Mumbai]
4. Medical Counselling Committee, New Delhi]
5. Post Graduate Institute of Medical Sciences,]
Navi Mumbai]
6. Directorate of Technical Education, Mumbai] .. **Respondents**

Mr. Gaurav Shukla with Mr. Veer Kanheria, Advocates, i/by Apex Juris LLP, for the Petitioner in WP Nos.2536/2025, 2539/2025 and WP (St.) 6876/2025.

Mr. Sathyam Acharya, Advocate for the Petitioner in WP 2697/2025.

Mr. Yashodeep Deshmukh with Ms. Vaidehi Pradeep, Advocates for the Respondent-CET Cell.

Mr. A.I. Patel, Additional Government Pleader with Smt. G.R. Raghuwanshi, Assistant Government Pleader for the Respondent-State of Maharashtra in WP 2536/2025.

Mr. A.I. Patel, Additional Government Pleader with Mrs. Reena A. Salunkhe, Assistant Government Pleader for the Respondent-State of Maharashtra in WP 2697/2025.

Mr. S.B. Kalel, Assistant Government Pleader for the Respondent-State of Maharashtra in WP (St.) 6876/2025.

**CORAM : A.S. CHANDURKAR &
M.M. SATHAYE, JJ**

DATE : 28TH FEBRUARY 2025.

ORAL JUDGMENT : { Per A.S. Chandurkar, J. }

1. Each of the petitioners having obtained their M.B.B.S. Degree seek

to pursue post-graduate education and seek admission pursuant to their performance at the NEET PG – 2024 in the Persons with Disability – PwD Category. Each petitioner possesses a Disability Certificate issued in January 2025 and while submitting their applications at the CAP Round – 3, they have indicated that they were Persons with Disability. They seek a direction to be issued to have their Disability Certificates verified at one of the sixteen centers competent to do so in that regard. On the ground that their disability was not being verified, they have filed these writ petitions seeking relief in that regard.

2. The learned counsel for the petitioners by relying upon the respective Disability Certificates contend that denial of verification of the Disability Certificates by the Centers authorized to do so is contrary to law. Without such verification, they are unable to participate in the further admission process; thus causing them prejudice. Assuming that the petitioners had not indicated in their initial application forms that they desire to claim benefit of PwD reservation, such option having been exercised while filling in the application forms during CAP Round – 3 was sufficient to warrant verification of their disabilities. In support of their prayers, reliance is placed on the order dated 21st July 2023 in Writ Petition No.9069 of 2023 (*Maitreyai Mahendra Garad Vs. State of Maharashtra, through its Department of Medical Education and Drugs and*

Ors.) at the Principal Seat as well as the judgment of the Supreme Court in *Avni Prakash Vs. National Testing Agency (NTA) and Ors., (2023) 2 SCC 286*. It is thus submitted that directions be issued to have the disability of the petitioners verified which would in turn facilitate the admission process in the PwD Category.

3. This prayer is opposed by the learned counsel appearing for the respondent no.1 by relying upon the affidavit-in-reply as filed. It is submitted that in terms of Clause 15.4.2 and 15.4.3 of the Information Brochure it was necessary for the petitioners to have submitted a Disability Certificate of the year 2024 as the admissions pertained to academic session 2024-25. Similarly, it was necessary for the petitioners to have the Disability Certificates verified prior to participating in the admission procedure. Having failed to do so and having exercised the option of seeking PwD reservation only during CAP Round – 3, they were not entitled to participate in the admission process as candidates from the PwD Category. It is further submitted that the order passed in *Maitreyai Mahendra Garad (supra)* relied upon by the petitioners has been distinguished in a subsequent order dated 17th October 2024 passed in Writ Petition No.11618 of 2024 (*Furquan Farhan Bin Ganam Vs. The State of Maharashtra and Ors.*) at the Aurangabad Bench. In similar circumstances, a candidate participating in the Undergraduate admission

process who sought to change his category from “General” to “PwD” mid-way was not permitted to do so. The order dated 17th October 2024 was not interfered with by the Supreme Court in Petition for Special Leave to Appeal No.25499/2024 on 24th October 2024. It is thus submitted that since the petitioners did not satisfy the mandatory requirements, no relief can be granted.

4. Having heard the learned counsel for the parties and having perused the documents on record, it is clear that the petitioners have failed to comply with the requirements of Clause 15.4.2 and 15.4.3, which read as under :-

15.4.2 - Candidate should mark as PWD on the online application form, failing which claim will not be granted. Candidate is required to submit the proof of his/her disability by way of a certificate issued by certificate issuing authority in the year 2024.

15.4.3 - Instructions to Person with Disability Candidates: All qualified Persons With Disability PWD (PH) Category Candidates of NEET PG 2024 are advised to get themselves examined at any one of specified Medical Board to obtain Disability PWD (PH) Certificate in advance. Candidates, who have attended any one of these Medical Boards, should submit / upload the disability certificate as per the prescribed format during online uploading of certificates for document verification process.

5. On a reading of the same, it becomes clear that the Disability Certificate was required to be issued by the Concerned Authority in the year 2024. This is for the reason that the admissions pertain to academic year 2024-25 and the provisions of Clause 15.4.2 have to be complied with in that context. Admittedly, it is only while participating in CAP Round – 3 in January 2025 that the petitioners obtained their respective Disability Certificates and have thereafter sought to seek benefit of PwD reservation. Such benefit of PwD reservation was not sought when the admission process commenced. It is thus clear that the mandatory requirement of Clause 15.4.2 has not been satisfied. We may note that a similar issue has been considered by the Division Bench in *Furquan Farhan Bin Ganam (supra)* wherein it has been observed that change of category from “General” to “PwD” was not permissible in view of similarly worded Rule 9.4.5 in the NEET UG – 2024 Information Brochure. The order of the Decision Bench was not interfered with by the Supreme Court.

6. We therefore find that in terms of the Information Brochure the petitioners are not eligible to seek such PwD reservation. There is no explanation as to why such benefit was not claimed initially or that the Disability Certificate was not obtained in 2024, especially when the petitioners have already passed their M.B.B.S. Examination and were

aware of the procedure prescribed for seeking admission at the post graduate level.

7. For aforesaid reasons, there is no case made out to invoke extraordinary jurisdiction and exercise discretion in favour of the petitioners. The Writ Petitions stand dismissed with no orders as to costs.

[M.M. SATHAYE, J.]

[A.S. CHANDURKAR, J.]