

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 624 OF 2025

Karan Sankhla	...Petitioner
Versus	
State Of Maharashtra Thr Its Department And Ors	...Respondents

Adv. Pooja thorat i/b Adv. Anukal Seth, for the Petitioner.
Adv. P.J. Gavhane AGP for State, Respondent Nos. 1, 2 & 7.
Adv. Nagesh Chavan, for Respondent No. 3-CET.
Adv. Rui Rodrigues, Respondent Nos. 4 to 6.

CORAM : G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.

DATE : 14 JANUARY 2025

P.C.:

1. This petition filed under Article 226 of the Constitution of India, is urgently moved before us. The petitioner is a student who has passed the MBBS examination in May 2022. He successfully completed the one year compulsory internship. It is not in dispute that petitioner's admission to the MBBS course was in the regular category as a "General Category" candidate and not as a candidate having a 'physical disability', so as to be categorized as a student falling under any disabilities category. The petitioner continued to hold himself as belonging to the "General Category", when he recently applied for the National Eligibility Cum Entrance Test Post-Graduate 2024 (**NEET-PG 2024**) which was held in the month of August 2024.

2. The case of the petitioner is that he had inadvertently filled up the NEET-PG 2024 application form under the “General Category” as in the past, and not as a student under the “Disabilities Category (PwD)”.

3. The results of the NEET-PG 2024 were declared on 23 August 2024. The petitioner secured 14.88 percentile and hence considering the benchmark as notified for the General category candidates, which was minimum 50 percentile, he was ineligible for the admission to the PG course. The petitioner also has categorically contended that as the petitioner has secured 14.88 percentile, he was ineligible for pursuing the post-graduate course for 2024-25, since the petitioner did not possess the minimum qualifying criteria.

4. It is the case of the petitioner, that he had approached the ‘*Lokmanya Tilak Municipal General Hospital and Medical College, Sion*’ for issuance of a Disability Certificate on the ground that the petitioner suffered a physical disability of more than 40% of a specific learning disability namely Dyslexia and Dysgraphia. It has so happened that the “*Lokmanya Tilak Municipal General Hospital and Medical College, Sion*” issued to the petitioner a Disability Certificate dated 1 October 2024 certifying that the petitioner is a case of specific learning disability of Dyslexia and Dysgraphia, having more than 40% disability. Although such certificate has been obtained on 1 October 2024, that is after the declaration of the NEET-PG 2024 results in August 2024, the petitioner in view of change in circumstances decided to approach this Court in the present proceedings mainly on the basis of a recent notice dated 6 January 2025 issued by National Board of Examination in Medical Science, New Delhi

whereby a reduction in the qualifying percentile in NEET-PG-2024 has been notified. The said notice is extracted which read thus:-

“1. NEET-PG 2024 was conducted on 11th August, 2024 in two shifts for admission to MD/MS/DNB/DrNB (Direct 6 years/ NBEMS Diploma Courses of 2024-25 admission session. The result of NEET-PG 2024 was declared on 23rd August 2024.

2. In accordance with the Ministry of Health & Family Welfare, Govt. of India letter No. U. 12021/05/2024-MEC dated 2a January 2025, the minimum qualifying percentile for NEET-PG 2024 has been reduced as follows:

<i>CATEGORY</i>	<i>MINIMUM QUALIFYING CRITERIA AS PER INFORMATION BULLETIN</i>	<i>REVISED MINIMUM QUALIFYING CRITERIA</i>
<i>General/EWS</i>	<i>50th Percentile</i>	<i>15th Percentile</i>
<i>UR-PwBD</i>	<i>45th Percentile</i>	<i>10th Percentile</i>
<i>SC/ST/OBC (Including PwBD of SC/ST/OBC)</i>	<i>40th Percentile</i>	<i>10th Percentile</i>

3. Candidature is purely provisional subject to fulfilment of eligibility criteria as mentioned in the NEET-PG 2024 Information Bulletin.

4. It may be noted that there is no change in the NEET-PG 2024 Rank as published on 23.08.2024.”

(emphasis supplied)

5. The case of the petitioner as urged by Ms. Thorat is primarily on the ground that the petitioner, now having received the disability certificate is eligible under the UR-PwBD (Disability) category under the aforesaid revised

percentile norms, has become eligible for an admission to the PG course on the basis of the marks obtained by him in the NEET-PG-2024, albeit the petitioner having secured 14.88 percentile. The petitioner was under a bonafide impression that once he obtains a Disability Certificate, he can change his category to the category of “Person with Disability” for admission to the post-graduate course. It is her submission that the petitioner under the UR-PwBD category becomes entitled to the revised 10 percentile instead of 45 percentile as earlier fixed for the UR-PwBD category of students. Thus, the present petition has been filed praying for following substantive relief :-

(a) Call for the relevant records and proceeding from the office of the Respondent Authorities and after going into the legality, validity, and propriety of the same, direct the Respondent MCC and Respondent CET Cell to accept the Petitioner's application for in Pwd category for admission to Post Graduate medical courses for academic year 2024-2025;

(b) Direct the Respondent No. 7 hospital to examine the Petitioner and issue necessary disability certificate for admission to postgraduate medical course for the academic year 2024-2025;

6. We have heard Ms. P.J. Gavhane, Learned Additional Government Pleader for the State of Maharashtra and respondent nos. 2 and 7, Mr. Nagesh Chavan for Respondent No.3-CET, and Mr. Rui Rodrigues, learned counsel for the respondent nos. 4 to 6- Medical Council Committee.

7. Having considered the facts of the case as adverted hereinabove, we are not inclined to accept the contentions as urged on behalf of Ms. Thorat. Although after the declaration of the NEET-PG 2024 in August 2024, the

petitioner received a Disability Certificate on 1 October 2024, in our opinion, under the orders of the Court he cannot be permitted to be held to have participated in the NEET PG 2024 in the admission process other than as a General Category candidate. This would amount to the court permitting the petitioner to change the category in view of the alleged changed circumstances and / or on the basis of new materials which the petitioner intends to press in service namely the Disability Certificate dated 1 October 2024 issued to him by the '*Lokmanya Tilak Municipal General Hospital and Medical College, Sion*'. On such assertion we cannot permit the petitioner to be considered as a candidate belonging to the UR-PwBD category by declaring a change of his candidature from the "General Category" candidate to candidate belonging to the "Person with Disabilities" so as to claim the benefit of the revised percentile under the aforesaid notice in the category of UR-PwBD candidates.

8. We may observe that the advantage of the revised percentile is not available to the petitioner in the category of General Candidate as the revised percentile is fixed at 15 percentile.

9. In our opinion however it is open to the petitioner to make an appropriate application/representation to the concerned authorities asserting his claim that he be considered as a UR-PwBD candidate in view of the certificate issued to him by the '*Lokmanya Tilak Municipal General Hospital and Medical College, Sion*', which we are told would be required to be verified/ confirmed by a body recognised under the Rules. If the petitioner makes such application to the appropriate authority within one week from today, let the same be

considered in accordance with law and be decided within one week from the date of submission of the said application. We keep open all contentions of the parties on such application.

10. Thus, except for what has been observed in paragraph 9 above, we do not find any merit in the petition. It is summarily rejected. No costs.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]