

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10384 OF 2025**

Mohd. Khalid Salahuddin Ayyubi ... Petitioner
V/s.
Union of India & Ors. ... Respondents

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Ms Pooja G. Malik for the Petitioner.
Ms Anjali Helekar a/w. Astha Arya for Respondent No.1/UOI.
Ms Kavita N. Solunke, AGP for the Respondent/State .
Mr. Nagesh Chavan for Respondent No.5/CET.

**CORAM : M.S. KARNIK &
N.R. BORKAR, J.J.
DATE : 31st JULY, 2025.**

P.C.

1. Heard learned counsel for the parties.
2. By this petition under Article 226 of the Constitution of India, the petitioner is challenging the refusal of respondents to verify his Disability Certificate so also grant him benefit of being recognized as a Person with benchmark disability ("PwBD" for short).
3. The petitioner has been suffering from chronic Schizophrenia since 2018. On 12th March 2024, the General Hospital, Malegaon issued a Disability Certificate to the petitioner certifying 40% disability. The petitioner submitted his application Form for the National Eligibility-Cum-Entrance Test 2025 ("NEET - 2025" for short) through online. The

petitioner did not realize that due to inadvertent error, his disability status was mentioned as 'No'. On 21st July 2025, a notice was issued for verification of Disability Certificate. Pursuant to said notice, the petitioner approached respondent No.3 for verification. However, on 23rd July 2025, respondent No.3 orally refused to verify his Disability Certificate as his PwBD status was mentioned as 'No' in his NEET - 2025 Form.

4. We have perused the interim Guidelines on Assessment Method for Granting Admission in MBBS Course to PwD candidates for AY 2025-26. As per the notice dated 21st July 2025 issued by the office of Medical Counselling Committee ("MCC" for short), the Committee has resolved that all candidates with benchmark disabilities, who possess a valid UDID card issued by the Department of Empowerment of Persons with Disabilities and further meet the NEET UG eligibility criteria, shall be considered for admission in MBBS course under the PwBD category. The following documents have to be mandatorily submitted by PwBD candidates at the time of reporting to designated disability centres for obtaining Disability Certificates for the academic year 2025-26:

- “ . NEET UG 2025 result demonstrating eligibility for the MBBS course.*
- . Valid UDID card (Yellow or above) issued by the DEPwD (excluding visual disabilities)*
- . Self-certified affidavits in the prescribed format, specific to the candidate's disability category, as provided in Schedule-I (Copy enclosed)*
- . The candidate will have to approach the designated Medical Board for verification of their self-certified affidavits.”*

5. In light of above facts, the PwBD candidates participating in UG Counselling 2025 were advised to note the above points with respect to obtaining Disability Certificates for the purpose of upcoming NEET UG Counselling, from designated disability centers of MCC.

6. Mr. Chavan, learned counsel for respondent No.5, has submitted that the petitioner is not entitled for any relief having knowingly marked 'No' against the PwBD column in the NEET Form. It is further submitted that if the petitioner was already having a Disability Certificate with him, there was no reason for him to wrongly fill-in the application Form and hence, no relief can be granted to him. It is submitted that the NEET result was declared on 14th June 2025. It is submitted that All India Quota Counselling began on 31st July 2025 and ends on 3rd August 2025. It is further submitted that at this juncture, if the petition is allowed, then it will result in causing serious prejudice to the process of admission as the application made by the petitioner will have to be reprocessed thereby disrupting the schedule.

7. We find that in compliance to our order dated 29th July 2025, the petitioner appeared before the Superintendent of Grant Govt. Medical College and Sir J.J. Group of Hospital on 30th July 2025 for further verification of Disability Certificate. The Medical Board of the Grant Medical College & Sir J.J. Group of Hospitals, Mumbai has submitted a report along with a Disability Certificate of the petitioner, certifying that

the petitioner suffers from **“A Mental Illness of 40%”**. The said report along with Disability Certificate is taken on record and marked as **“X”** for identification. We must appreciate the prompt response of the Sir J.J. Group of Hospitals.

8. We must be mindful of the decision of the Hon’ble Supreme Court in the case of ***Kabir Paharia vs. National Medical Commission and ors.***¹, where the Hon’ble Supreme Court has dealt with the case of appellant therein being a person with benchmark disabilities who belonged to the reserved category of Scheduled Caste and aspired for admission to the MBBS UG (Bachelor of Medicine and Bachelor of Surgery) course. In paragraph 15, the Hon’ble Supreme Court has observed thus:

“15. The constitutional promise of equality is not merely formal but substantive, requiring the State to take affirmative measures to ensure that PwD and PwBD can meaningfully participate in all spheres of life, including professional education. We emphasize that reasonable accommodation is not a matter of charity but a fundamental right flowing from Articles 14, 16, and 21 of our Constitution. When administrative authorities create arbitrary barriers that exclude qualified PwBD candidates, they not only violate statutory provisions but also perpetuate the historical injustice and stigmatisation. The fundamental rights and the dignity of PwD and PwBD candidates must be protected by ensuring that assessment of their capabilities is individualised, evidence-based, and free from stereotypical assumptions that have no scientific foundation.”

¹ Civil Appeal No(s) of 2025 arising out of SLP (Civil) No. 29275 of 2024 decided on 2nd May 2025.

9. No doubt, the petitioner while filling-in the Form has mentioned in the column of Person with benchmark disability as 'No'. In our opinion that should not be a factor to deprive the benefit to the petitioner, he being a person with specified disability, having regard to the object and intent of the Rights of Persons with Disabilities Act, 2016. Further more, the disability suffered by the petitioner has been now verified by the Board recognised by the National Testing Agency, i.e., Grant Medical College & Sir J.J. Group of Hospitals, Mumbai. We therefore, have no hesitation in allowing the petition and the Petition is allowed.

10. The Respondents are directed to permit the petitioner to participate in Counselling for admission as PwBD candidate. It is made clear that such permission is subject to the petitioner's fulfilling all other eligibility criteria and submitting necessary documents and / or filing the affidavits that may be required.

11. The Petition is disposed of accordingly. No costs.

(N.R. BORKAR, J.)

(M.S. KARNIK, J.)