

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

WRIT PETITION NO. 11863 OF 2025

Uzma Abdur Rasheed Khan ... Petitioner
Versus
National Medical Commission & Ors. ... Respondents

Mr. Rahul Bajaj i/b. Mr. Shantanu Derhgawen, Advocates for Petitioner (Through V.C).

Mr. Ganesh K. Gole, a/w. Mr. Kunjan Makwana, Advocates for Respondent No. 1-NMC.

Mr. P.P. Kakade, Addl. G.P. a/w. Ms. Nisha Mehra, AGP for Respondent No. 2-State.

Mr. Rui Rodrigues, Advocate for Respondent No. 3.

Ms. Priyanka Chavan, Advocate for Respondent No.4 Union of India.

**CORAM : RAVINDRA V. GHUGE AND
ASHWIN D. BHOBE, JJ.**

DATE : 3rd OCTOBER, 2025

P.C. :

1. On 26/09/2025, we passed an order as under :-

1. The learned Advocates representing National Medical Commission (NMC) and the learned Additional Government Pleader submit that they had no idea that this matter is moved today and no copy of the Writ Petition paper book running into 350 pages, was served on them. After this Court granted a circulation at 3 p.m., copy of the paper book is supplied on WhatsApp. The Counsel will have to discuss the issue with the NMC.

2. We find that the Petitioner is before us in view of the fact that after J.J. Hospital examined her, it concluded that the candidate does not belong to PwD category. As per the affidavit submitted by the candidate dated 21.7.2025, the candidate is not using low visual aids. The certificate is dated 28.7.2025. The conclusion is that the candidate is not eligible for P.wBD Reservation. There is no dispute that the Petitioner has the UDID

certificate bearing No. 2025-JUL /UDID/001193.

3. *The grievance of the Petitioner is that the report generated by the J.J. Group of Hospitals has no reasons to indicate as to how the case of the Petitioner has been analysed. The Petitioner deserves to undergo a re-test. The Petitioner is willing to take the test as soon as possible before any competent designated hospital having a medical board. He further makes a request that the Petitioner's case need not be referred again to the J.J. Hospital.*

4. *The learned Advocate for the NMC and the Additional Government Pleader have read out the list of designated hospitals at Nagpur, Calcutta, Delhi and Chennai etc. The learned Advocate for the Petitioner has opted for AIIMS, Nagpur and submits that the Petitioner would undergo the test on 30th September, 2025 considering that there are two holidays intervening.*

5. *Our attention is drawn to the Interim Guidelines on Assessment Methods for Granting Admission to the M.B.B.S Course to PwBD. candidates for the academic year 2025-2026, at page 171. The learned Advocate for the Petitioner has focused at Serial Nos. 5 and 6 for the purpose of carrying out the medical examination of the Petitioner.*

6. *The learned Additional Government Pleader submits that the AIIMS, Nagpur would be informed through its Dean, that the Petitioner would be presenting herself at 12.00 noon on 30th September, 2025 and undergo the necessary tests. The learned Additional Government Pleader also submits that the Dean would be apprised of the interim guidelines while making such assessments, more particularly, Serial Nos. 5 and 6, so that the Petitioner can be appropriately examined and a report could be generated.*

7. *In view of the above, let the Petitioner appear before the AIIMS, Nagpur at 12.00 noon on 30th September, 2025. The learned Additional Government Pleader would inform the Dean that a report may be generated and be transmitted to the office of the Government Pleader at Mumbai, via e-mail. A print of the said emailed report would then be placed before us on 3rd October, 2025 keeping in view that 2nd October, 2025 is a holiday.*

8. *List this Petition at Serial No. 1 on the urgent supplementary Board on 3rd October, 2025.*

9. *We make it clear that if we are convinced that the Petitioner can be treated as PwBD eligible to participate in the admission counselling sessions, keeping in view that the third CAP round would commence on 29th September, 2025 and would end on 8th October 2025, that we would direct the consideration of the Petitioner's candidature.*

2. It is, thus, apparent that it was the Petitioner who questioned the report of the J. J. Hospital and himself chose the AIIMS, Nagpur as being an appropriate institution where she can be re-examined for the second time. She chose the date and time of the medical examination.

3. Today, the learned AGP has tendered the Report of AIIMS, Nagpur dated 01/10/2025, which is authorised to issue a certificate for NEET Admissions for specially-abled candidates (as per NMC guidelines on assessment methods for granting admission to the MBBS course for PwDB candidates for Academic Year 2025-2026).

4. The Committee of 3 subject experts including the Professor and the Chairman of the Disability Board, have tendered the report before us which is marked as 'X-1' for identification.

5. The report indicates low vision for the Petitioner. Her UDID card has also been perused. The UDID card indicates 40% disability. The AIIMS, Nagpur specialized committee has drawn the following conclusions :-

The Candidate is able to perform the skills as given in the functional competencies as per the Affidavit submitted by him/her.

Conclusion: *Not eligible for PWD Reservation*

Remark: 1. Candidate is able to perform the skills as given in the functional competencies as per the affidavit submitted by him/her as per the statement above. 2. Diagnosis is RE Exotropia with cataract with partial optic atrophy with myopic fundus with macular scar; LE High myopia with lasered lattice. 3. Our evaluated visual disability is less than the benchmark, hence the candidate is eligible to pursue medical education but not eligible to claim PwD quota.

6. The submission of the learned Advocate for the Petitioner, virtually is in a manner of questioning the wisdom of the AIIMS, Nagpur. He submits that the Committee may not have considered the functional competency of the Petitioner. We find that the Committee has recorded that the Petitioner is eligible to pursue medical education, but is not eligible to claim admission from the PwD quota.

7. The learned Advocate for the Petitioner desires to go through the report. His clerk present in the Court has received a copy of the report on his instructions. After studying the report, we permit the Petitioner to file an additional affidavit.

8. In view of the above, list this Petition on 7th October, 2025 in the Supplementary Board, to be called out after the fresh admissions matters.

9. Needless to state, the Petitioner is at liberty to participate in the selection rounds as she is capable of competing in the selection process, but not from the PwD category,

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)