

rajshree

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

WRIT PETITION NO.11863 OF 2025

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

Mr.Prithwiraj Choudhari i/b Shantanu D., a/w Rahul Bajaj and Amar Jain
for the Petitioner.

Mr.Ganesh Gole for Respondent No.1.

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

Mr.Rui Rodrigues for Respondent No.3.

Ms.Priyanka Chavan for Respondent No.4-UOI.

Dr.Kalyani Nadgouda, Assistant Professor, Dept. of Ophthalmology,
HBTMC and RNCH, present in Court.

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

DATE : 8th OCTOBER, 2025.

P.C.

1. On 3rd October 2025, we had passed the following order :

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."

2. Today, the learned advocate for the Petitioner has tendered a compilation of 5 pages which consists of the medical examinations undergone by the Petitioner in the process of initiation of the UDID (Unique Disability Identity) Card. The said compilation is marked as 'X-2' for identification.

3. While considering the latest report of AIIMS, Nagpur, the learned Advocate for the Petitioner relied upon the Judgment of this Court dated 21st February, 2025 in WP No.13072/2024 (Suyash Suryakant Patil vs. National Medical Commission and Others). He harps upon the conclusion of this Court that when the functional competency of the candidate to take the MBBS course and qualify to be a Doctor, is being considered by a particular Disability Assessment Board, the percentage computed by the Competent Authority while issuing the 'UDID card', should not be considered.

4. The learned Addl. GP is right in contending that the AIIMS Nagpur, as well as the JJ Hospital, Mumbai, had not focused on the percentage of disability. They had conducted the examination of the Petitioner to assess her functional competency abilities. While doing so,

they noticed that the disability would be less than 40%. It is, therefore, a co-incidental factor emerging from the said medical examination, which was conducted for assessing the functional competency of the candidate, that the computing of the disability factor also naturally crept in. This was not an aspect addressed to the Court which delivered the Judgment on 21st February, 2025 in Suyash Patil (*supra*)

5. This issue is being specifically taken up in this petition by contending that while assessing the functional competency, a natural consequence of computing the disability factor comes up. The two Medical authorities, i.e. the J J Hospital and the AIIMS Nagpur, took a view that UDID 40% was inappropriate. A lesser computation was noticed and hence, the Petitioner was not eligible for the reservation under the PwD category.

6. The learned Addl. GP, while perusing the documents below Annexure X-2, has taken the assistance of Dr. Kalyani Nadgouda, Assistant Professor, Dept. of Ophthalmology, HBTMC and RNCH, to understand the medical examination recorded on internal page nos. 4 and 5, of X-2.

7. We appreciate the assistance rendered by the concerned Dr.Kalyani Nadgouda, in remaining present in the Court.

8. While analysing the medical examination notes on Page 4 and 5 of Annexure X-2, she submits that the conclusion drawn by the Expert panel, authorized to issue the UDID certificate, has arrived at an appropriate conclusion that the disability is 40%. It is a matter of fact that these papers were not before the AIIMS Nagpur, when the Petitioner was examined last week. These papers were with the Petitioner and which were tendered in the Court today by the learned Advocate for the Petitioner.

9. In view of the above, we do not find the necessity of revisiting the conclusion of 40% UDID card. Since the functional competency of the Petitioner has been assessed and it is concluded that she is eligible to take admission to the MBBS Course and pursue the said profession despite the disability, **this Petition is disposed off** with a direction to the Competent Authorities to permit the Petitioner to participate in the selection rounds for the MBBS seat from the PwD Category.

10. Since this order is dictated in open Court at 5.00 p.m., the Parties would act in view of the said dictation without waiting for the uploading of this order on the official website of the Bombay High Court.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)