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WP.Nos.28994, 30278 & 30506 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 23.09.2025

Pronounced on : 24.09.2025

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

WP.Nos.28994, 30278 & 30506 of 2025

WP.No.28994 of 2025

E.Saranya

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. By its Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort St.George,
Chennai 600 009
- 2.The Director of Medical Education & Research,
Kilpauk, Chennai 600 010
- 3.The Secretary,
Selection Committee,
Directorate of Medical Education & Research,
Kilpauk, Chennai 600 010
- 4.The National Medical Commission,
Rep. By its Secretary,
Pocket 14, Sector-8,
Dwaraka, New Delhi 110 077

... Respondents

**PRAYER:**

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Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider the petitioner for selection and admission to MBBS/BDS degree course in Tamil Nadu Government Medical / Dental Colleges 2025-26 Session under Persons with Benchmark Disability category based on the marks secured in National Entrance cum Eligibility Test – Under Graduate – 2025, in consideration of representation submitted by the petitioner through e-mail.

For Petitioner : Mr.G.Sankaran,
Senior Counsel
for Mr.S.Nedunchezhiyan

For Respondents
For R1 & 2 : Mr.K.Tippu Sulthan,
Government Advocate

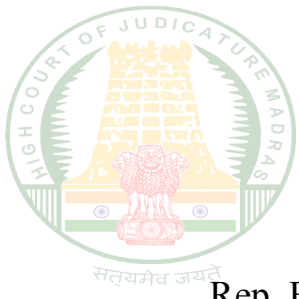
For R3 : Mrs.M.Sneha,
Standing Counsel

For R4 : Ms.Shubharanjani Ananth,
Standing Counsel

For JIPMER: Mr.M.T.Arunan,
Standing Counsel

WP.No.30278 of 2025

Keerthana N



WP.Nos.28994, 30278 & 30506 of 2025

Rep. By her father and natural guardian
P.G.Narayanan

... Petitioner

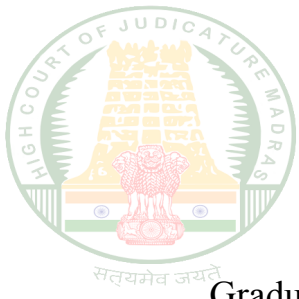
Vs.

1.The State of Tamil Nadu,
Rep. By its Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort St.George,
Chennai 600 009
2.The Director of Medical Education & Research,
Kilpauk, Chennai 600 010
3.The Secretary,
Selection Committee,
Directorate of Medical Education & Research,
Kilpauk, Chennai 600 010
4.The National Medical Commission,
Rep. By its Secretary,
Pocket 14, Sector-8,
Dwaraka, New Delhi 110 077

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider the petitioner for selection and admission to MBBS/BDS degree course in Tamil Nadu Government Medical / Dental Colleges 2025-26 Session under Persons with Benchmark Disability category based on the marks secured in National Entrance cum Eligibility Test – Under



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Graduate – 2025, in consideration of representation submitted by the petitioner through e-mail.

For Petitioner : Mr.G.Sankaran,
Senior Counsel
for Mr.S.Nedunchezhiyan

For Respondents
For R1 & 2 : Mr.K.Tippu Sulthan,
Government Advocate

For R3 : Mrs.M.Sneha,
Standing Counsel

For R4 : Ms.Shubharanjani Ananth,
Standing Counsel

For JIPMER : Mr.M.T.Arunan,
Standing Counsel

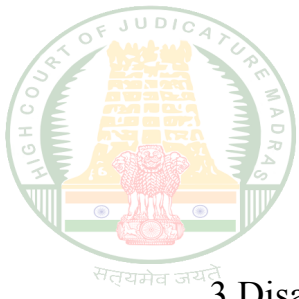
WP.No.30506 of 2025

S.Preetha

... Petitioner

Vs.

1.Union of India,
Rep. By its Secretary,
Ministry of Health and Family Welfare,
Nirman Bhawan,
New Delhi 110 001
2.The National Medical Commission,
Rep. By its Secretary,
Pocket 14, Sector-8,
Dwarka, Phase-1, New Delhi 110 077



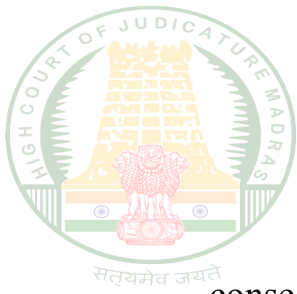
WP.Nos.28994, 30278 & 30506 of 2025

3.Disability Assessment Medical Board,
Rep.by its Secretary,
Rajiv Gandhi Government General Hospital,
No.37JH+624,
Park Town, Chennai 600 003
4.Medical Counselling Committee,
Rep. By its Secretary,
Director General of Health Service,
Ministry of Health and Family Welfare,
Room No.354,
Nirman Bhawan, New Delhi 110 011
5.Tamil Nadu Medical Council,
C/o.Directorate of Medical Education and Research
Selection Committee,
Government of Tamil Nadu,
No.162, Periyar E.V.R.High Road,
Kilpauk, Chennai 600 010

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the third respondent having Ref.Certificate No.2025-Jul/UDID/001484 dated 29.07.2025 relating to the certificate for National Eligibility cum Entrance Test (NEET) admission for specially abled candidates and quash the same insofar as the said certificate has concluded that the petitioner is not eligible for person with disability (PwD) reservation for MBBS Course for the AY 2025-26 and



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consequently direct the third respondent Medical Board to strictly follow and implement the interim guidelines of the second respondent on Assessment Method for granting admission in MBBS course to Person with Disability (PwD) candidates for AY 2025-26 in alignment with the Rights of Persons with Disabilities (RPwD) Act, 2016 and direct the third respondent to issue a fresh certificate declaring the petitioner eligible for PwD reservation for attending the counselling for admission to MBBS Course for AY 2025-26.

For Petitioner : Mrs.Nalini Chidambaram,
Senior Counsel
for Mrs.C.Uma

For Respondents

For R1 & 4 : Mr.R.Sanjay,
Central Government Standing Counsel

For R5 : Mrs.M.Sneha,
Standing Counsel

For R2 : Ms.Shubharanjani Ananth,
Standing Counsel

For JIPMER: Mr.M.T.Arunan,
Standing Counsel



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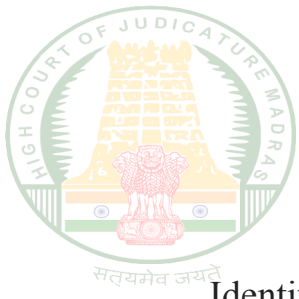
COMMON ORDER

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These writ petitions have been filed for direction to the respondents to consider the petitioners for selection and admission to MBBS / BDS degree course in Tamilnadu Government Medical / Dental Colleges for the academic year 2025-26, under Person with Benchmark Disability (hereinafter called as 'PwBD') category based on the marks secured in National Entrance cum Eligibility Test (hereinafter called as 'NEET') Undergraduate 2025 and also challenging the certificate issued for NEET admissions for specially abled candidates dated 29.07.2025, thereby declaring them ineligible for PwBD reservation since the Medical Board Assessment disability is 25%.

A. FACTS OF THE CASES

2. The petitioner in WP.No.28994 of 2025 is physically handicapped with congenital deformity in her hands and legs and she was certified with 65% locomotor disability by the District Medical Board. She was also issued disability certificate by the Department of Empowerment of Persons with Disabilities, Ministry of Social Justice and Empowerment, Government of India along with Unique Disability



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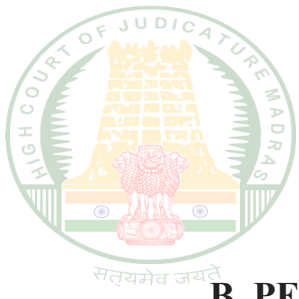
Identity Card (hereinafter called as “UDID”). After completion of her 12th standard in the month of May 2024, she applied for NEET UG 2025. She scored 165 percentile marks and she became eligible for admission to MBBS/BDS course. The selection committee issued prospectus for admission to MBBS/BDS courses for the academic year 2025-26 and she applied for admission to MBBS course under PwBD category. Notification was issued by the Selection Committee with list of candidates applied for admission to MBBS/BDS courses under PwBD quota to get their disability certificate from the Regional Medical Board of Rajiv Gandhi Government General Hospital, Chennai. Accordingly, the petitioner appeared and she was subjected to physical evaluation. The Medical Board after assessing her disability, issued certificate dated 25.07.2025 with remarks “as per Medical Board assessment, locomotor disability is 10%”. Therefore, she became ineligible for admission under PwBD quota. The petitioner in WP.No.30278 of 2025 is physically handicapped with hearing impairment certified with 56% permanent disability by District Medical Board. After completing her 12th standard in the month of May 2025, she applied for NEET UG-2025. She scored



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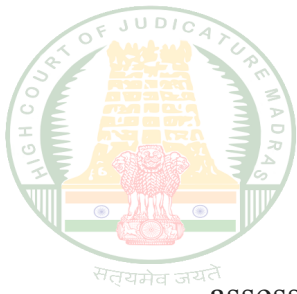
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266 percentile marks and she became eligible to get admission to MBBS course. As directed by the Selection Committee, she appeared before the Regional Medical Board of Rajiv Gandhi Government General Hospital and she was subjected to physical evaluation. The Medical Board issued certificate with remarks “Binaural percentage hearing disability is 0 percentage”. Therefore, she became ineligible for admission under PwBD quota. The petitioner in WP.No.30506 of 2025 suffers from locomotor disability and she was assessed with 50% disability by the UDID certificate issued by Government of India. After completion of her 12th standard, she applied for NEET UG examination for the academic year 2025-26. She secured 260 marks out of 720 and she became eligible to apply for admission to MBBS/ BDS courses. Therefore, she applied for MBBS admission under PwBD category based on her locomotor disability. As per the notification issued by the Selection Committee, she had appeared before the Medical Board, Rajiv Gandhi Government General Hospital, Chennai and she was subjected to physical evaluation. The Medical Board assessed her disability as 25%. Therefore, she became ineligible for admission under PwBD quota.

**B. PETITIONERS' COUNSELS' SUBMISSIONS**

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3. Mr.G.Sankaran, the learned Senior Counsel appearing for the petitioners in WP.Nos.28994 & 30278 of 2025 submitted that the petitioners were assessed of their disabilities by the Central Government as well as State Government and were certified with 50% locomotor disability. As per the notification of the Selection Committee, the petitioners were subjected to physical evaluation before the Regional Medical Board of Rajiv Gandhi Government General Hospital, Chennai. However, they were assessed below 40% of their locomotor disability and as such they were declared ineligible to apply under PwBD quota. Method of assessment of the functional competency / functional disability by the Designated Medical Board started from this academic year, only to ensure that the candidates getting admission to MBBS courses with physical disability should be able to have the functional competence to perform the functions of a doctor. Since the petitioners suffer more than 50% of locomotor disability, it has to be verified as to whether the petitioners are having functional capability to perform the functions of a physician or surgeon. Therefore, it is not for reducing the



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assessment of the percentage of disability which runs contrary to the certificates already issued by the State Medical Board and the Central Medical Board. The report is against the object for which Designated Boards are constituted in accordance with the orders passed by the Hon'ble Supreme Court of India in as much as the disability certificate already issued by the competent authorities and it cannot be nullified by the Designated Board. The competent authority from the State Medical Board as well as the Central Medical Board issued disability certificate after several steps of examination of the nature of disability both on magnitude and functional basis. Therefore, the validity of such certificate cannot be nullified by the Designated Board by conducting just a few minutes of evaluation and pronouncing varied percentage of disability only to disqualify the petitioners from getting admitted to MBBS course under PwBD quota. Therefore, all the petitioners will be able to function as doctors in all aspects satisfying the competencies mentioned in the Appendix under Schedule-I. He relied upon the judgment of the Hon'ble Supreme Court of India in the case of ***Om Rathod Vs. Director General of Health Sciences***¹, wherein it was held as follows:

¹ 2024 SCC Online SC 3130



50. *Section 25 of the RPWD Act outlines the positive obligation of Government and local authorities to provide healthcare to persons with disabilities. An affirmative obligation is placed to ensure that persons with disabilities receive a barrier free access to all public and private healthcare institutions. Removal of barriers can only be achieved if persons with disabilities feel comfortable while accessing healthcare. The barriers faced by a person may be physical, psychological and attitudinal. The inclusion of persons with disabilities within medical practice is vital to ensure that the approach of the medical community and of hospitals and other healthcare institutes is humane, sensitive and informed by lived experiences. It strengthens our fraternity. Therefore, the process through which medical aspirants with disability enter the profession must be compatible with constitutional and statutory entitlements and guarantees.*

53. *We have noted above that Disability Assessment Boards must comply with rule of law principles by injecting transparency, fairness and consistency in their approach. The Boards must further elaborate on the reasons for the outcome of their assessment, in particular when they opine that the candidate is ineligible. The*



Disability Assessment Boards must focus on the functional competence of persons with disabilities and not merely quantify the disability. The quantification of disability is a task in need of a purpose within the human rights based model of disability. The functional competency approach to assessment for a medical course is globally recognised. To enable members of the Assessment Boards in effectively applying the functional competency test, they must be adequately trained by professionals and persons with disabilities or persons who have worked on disability justice. These trainings must be with a view to enhance the understanding of the Board members in assessing persons with disabilities and must not pathologize or problematize them.

54. The disability of a person is quantified at the time of availing a Unique Disability ID Card. 27 The quantification of disability is moot at the point of admission to educational courses since the eligibility for a person to benefit from reservation may be evaluated using the quantification in the UDID Card. If a person with disability wants to have themselves re-assessed so as to verify whether their disability falls within the prescribed parameters for reservation - they may choose to do so by updating their UDID Cards. The role of the Disability



Assessment Boards must be tailored (with a functional competency approach) only for the course which the candidate seeks to pursue.

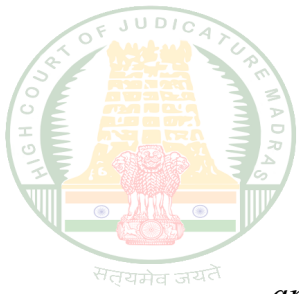
3.1 The Hon'ble Supreme Court of India concluded the above judgment as follows:

“60. We further conclude as follows:

a) The second respondent shall issue fresh guidelines for admitting persons with disabilities into medical courses. The committee formulating the guidelines must include experts with disability or persons who have worked on disability justice. The guidelines shall comply with the judgments of this Court and contemporary advancements in disability justice;

b) The Disability Assessment Boards shall eschew from a benchmark model to test the functional competence of medical aspirants with disability. The second respondent shall issue appropriate guidelines in this regard;

a. The Disability Assessment Boards shall include a doctor or health professional with disability as per the directions of the first respondent dated 24 March 2022; b. The conduct of the Disability Assessment Boards shall be fair, transparent and in compliance with principles of the rule of law. Attention must be paid to ensure that candidates



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appearing before the Board do not feel uncomfortable on account of physical or attitudinal barriers;

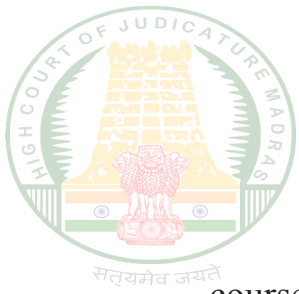
c. Reasonable accommodation is a gateway right to avail all other fundamental, human and legal rights for persons with disabilities. Non-availability of reasonable accommodation amounts to discrimination and violates substantive equality of persons with disabilities;

d. The inclusion of persons with disability in the medical profession would enhance the quality of healthcare and meet the preambular virtue of fraternity and the guarantees in [Articles 21, 19, 14](#) and [15](#) of the Constitution;

e. Applicants to the NEET examination must be informed about the compliance of accessibility norms and provisions of reasonable accommodation available at colleges. The respondents shall issue appropriate directions to create a database with relevant information on accessibility and reasonable accommodation; and

f. Enabling Units at medical colleges shall act as points of contact for persons with disability desirous of accessing clinical accommodations.

3.2 Though the Hon'ble Supreme Court of India directed to issue fresh guidelines for admitting persons with disabilities to medical



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courses, the National Medical Commission framed only interim guidelines on assessment method for granting admission in MBBS courses to PwBD candidates, thereby did not comply with the directions issued by the Hon'ble Supreme Court of India. As per the conclusions, Disability Assessment Boards shall eschew from a benchmark model to test the functional competence of medical aspirants with disability. But the National Medical Commission failed to issue any guideline in this regard. He also relied upon the judgment of the Hon'ble Supreme Court of India in the case of ***Omkar Ramachandra Gond Vs. Union of India and Others***², wherein it was held as follows:

46. Disabilities Assessment Boards are not monotonous automations to just look at the quantified benchmark disability as set out in the certificate of disability and cast aside the candidate. Such an approach would be antithetical to [Article 14](#) and [Article 21](#) and all canons of justice, equity and good conscience. It will also defeat the salutary objectives of the [RPwD Act](#). The Disabilities Assessment Boards are obliged to examine the further question as to whether the candidate in the opinion of the experts in the field is eligible to

² 2024 SCC Online 2860



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pursue the course or in other words, whether the disability will or will not come in the way of the candidate pursuing the course in question.

48. While interpreting the Regulations and Guidelines, as provided in Appendix H-1 to the notification dated 13.05.2019, as they stood for the academic year 2024-25, we are constrained, keeping in mind the salutary object of the [RPwD Act](#) and [Article 41](#) of the Directive Principles of State Policy, to direct that mere existence of benchmark disability of 40% or above (or such other prescribed percentages depending on the disability) will not disqualify a candidate from being eligible for the course applied for. The Disability Assessment Boards assessing the candidates should positively record whether the disability of the candidate will or will not come in the way of the candidate pursuing the course in question. The Disability Assessment Boards should state reasons in the event of the Disability Assessment Board concluding that candidate is not eligible for pursuing the course.

3.3 The Hon'ble Supreme Court of India concluded the above judgment as follows:

53. For the reasons set out hereinabove,



(i) We hold that quantified disability per se will not dis-entitle a candidate with benchmark disability from being considered for admission to educational institutions. The candidate will be eligible, if the Disability Assessment Board opines that notwithstanding the quantified disability the candidate can pursue the course in question. The NMC regulations in the notification of 13.05.2019 read with the Appendix H-1 should, pending the re-formulation by NMC, be read in the light of the holdings in this judgment.

(ii) The Disability Assessment Boards assessing the candidates should positively record whether the disability of the candidate will or will not come in the way of the candidate pursuing the course in question. The Disability Assessment Boards should state reasons in the event of the Disability Assessment Boards concluding that the candidate is not eligible for pursuing the course.

(iii) The Disability Assessment Boards will, pending formulation of appropriate regulations by the NMC, pursuant to the communication of 25.01.2024 by the Ministry of Social Justice and Empowerment, keep in mind the salutary points mentioned in the said communication while forming their opinion.



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(iv) Pending creation of the appellate body, we further direct that such decisions of the Disability Assessment Boards which give a negative opinion for the candidate will be amenable to challenge in judicial review proceedings. The Court seized of the matter in the judicial review proceedings shall refer the case of the candidate to any premier medical institute having the facility, for an independent opinion and relief to the candidate will be granted or denied based on the opinion of the said medical institution to which the High Court had referred the matter.

(v) We have already, pursuant to our order dated 18.09.2024, in view of the favorable report dated 13.09.2024 of the Maulana Azad Medical College, granted admission to the appellant. We confirm the admission and direct the concerned authorities to treat the admission as a valid admission in the eye of law.

3.4 Accordingly, the Medical Board assessing the candidates should positively record whether the disability of the candidate will or will not come in the way of the candidates' candidature with respect to the course in question. The Board should state valid reasons while



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concluding that a candidate is not eligible for pursuing the course.

Hence, the disability certificate issued by the Medical Board cannot be taken into consideration, and the disability certificate and the UDID card issued by the District Medical Board and the Government of India alone shall be taken into consideration in order to consider the petitioners for selection and admission under PwBD quota to MBBS/BDS course in Tamilnadu Government Medical / Dental Colleges for the academic year 2025-26.

3.5 The learned Senior Counsel further submitted that the Regional Medical Board of Rajiv Gandhi Government General Hospital, Chennai, has no power to assess the percentage of disability of the petitioners when both District Medical Board and the Government of India had previously assessed the disabilities of the petitioners and had issued UDID card. Therefore, the Regional Medical Board should only go into the functional assessment of the individuals.



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4. Mrs.Nalini Chidambaram, the learned Senior Counsel appearing for the petitioner in WP.No.30506 of 2025 submitted that as directed by the Hon'ble Supreme Court of India in ***Om Rathod's case'*** (cited supra), the National Medical Commission issued interim guidelines on assessment method for granting admission in MBBS course to PwBD candidates for the academic year 2025-26, emphasizing prioritization of functional competency over rigid percentage-based disability thresholds. Further, the previously mandated arithmetic threshold shall be no longer applicable. Instead, emphasis will be placed on assessing a candidate's functional ability to meet the academic and clinical demands of the MBBS course. However, the Medical Board has flagrantly violated these guidelines by applying rigid percentage-based assessment instead of functional competency evaluation. Further, the Medical Board also failed to provide a reasoned decision explaining why the petitioners' competency was found inadequate and why the petitioners' valid UDID certificate was ignored. Therefore, the certificate issued by the Medical Board cannot be sustained as the same is illegal,

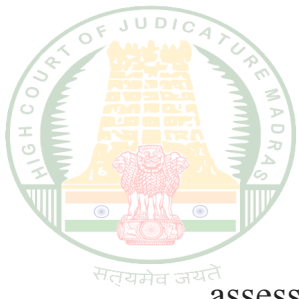


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arbitrary and violative of the interim guidelines issued by the National Medical Commission.

C. RESPONDENTS' COUNSELS' SUBMISSIONS

5. Per contra, Mrs.M.Sneha, the learned Standing Counsel appearing for the Selection Committee, Directorate of Medical Education and Research, Chennai, submitted that all the judgments relied upon by the learned Senior Counsels are not applicable to these cases since the petitioners were not assessed with more than 40% disability to become eligible under PwBD quota. They were actually assessed below 40% disability and as such they cannot be considered under PwBD quota. Their candidature are very much eligible under other quotas. In all the judgments of the Hon'ble Supreme Court of India that were relied upon by the learned Senior Counsels, the Hon'ble Supreme Court of India dealt with the issue where the persons were disqualified for the medical courses due to their disability. Therefore, the Hon'ble Supreme Court of India issued several directions to frame guidelines to be followed while assessing the disability. In the cases on hand, the petitioners are not

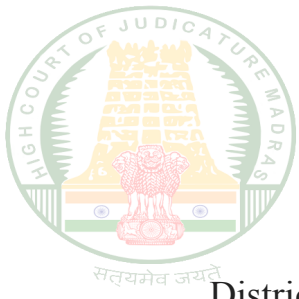


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assessed with even 40% disability. It does not mean that they are not eligible to the medical course rather it means that their candidature cannot be considered under PwBD quota since the eligibility criteria as per the prospectus to apply under the PwBD quota is that the disability assessment should be a minimum of 40%. For eligibility for medical courses under PwBD, the disability assessment shall be between 40% to 80%. Even the persons with more than 80% disability may be allowed on condition that their functional competency will be determined with the aid of assessive devices. Therefore, a candidate with disability of less than 40% shall not be eligible to apply under PwBD quota as per the appendix H(1) in the Regulations on Graduate Medical Education, 1997.

6. Ms.Shubharanjani Ananth, the learned Standing Counsel appearing for National Medical Commission submitted that as per the prospectus issued by the Selection Committee, all the candidates who applied under PwBD quota, shall be subjected to assessment before the Medial Board i.e. Regional medical Board of Rajiv Gandhi Government General Hospital, Chennai. Though the petitioners were assessed by the



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District Medical Board and Government of India and were issued Locomotor Disability Certificate and UDID card, their disability shall be assessed as per the said Appendix H(1) of the prospectus. Accordingly, minimum degree of disability should be 40% in order to be eligible for availing reservation under the PwBD quota. As per Form 6, the certificate of disability must be issued as contemplated under Rule 18(1) of the Rights of Persons with Disabilities Rules, 2017. Accordingly, disability should be quantified by the percentage. Once the Medical Board, as per the prospectus, assessed the disability, there is no question of appeal or re-assessment. However, as directed by this Court, the petitioners were referred before the Jawaharlal Institute of Postgraduate Medical Education and Research (hereinafter called as 'JIPMER') for their assessment of disability. They were subjected to evaluation of their disability before the Disability Assessment Board. Accordingly, they were assessed and issued assessment reports by assessing their disability with quantified percentage. The Disability Assessment Board of JIPMER is considered to be the best medical assessment body in India and as such, its report can be taken as the final one. Though all the petitioners



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are capable of performing all functions as required for the MBBS course, they are not eligible under PwBD quota. They are eligible to apply under other quotas.

7. Heard, the learned counsel appearing on either side and perused all the materials placed before this Court.

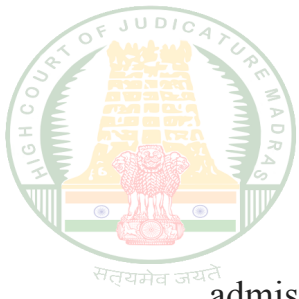
D. FINDINGS

8. All the petitioners applied for admission to MBBS / BDS courses for the academic session 2025-26 under special category i.e. PwBD category. As per the notification issued by the Selection Committee dated 21.07.2025, those who applied under PwBD quota is to get their disability certificate from Regional Medical Board of Rajiv Gandhi Government General Hospital, Chennai. The petitioners had appeared before the Medical Board and they were subjected for physical evaluation. The Medical Board certified that the petitioner in WP.No.28994/2025 with 10% locomotor disability, the petitioner in WP.No.30506 of 2025 with 25% locomotor disability and the petitioner



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in WP.No.30278 of 2025 with 'binaural percentage hearing disability as 0%". Therefore, they are not eligible to apply for MBBS/BDS course under PwBD quota. However, they are eligible to apply under other quotas. This Court directed the petitioners for re-assessment of their disability before JIPMER, Puducherry. All the petitioners were subjected to their disability assessment before the Disability Assessment Medical Borad consisting four doctors. After assessment, the petitioner in WP.No.28994 of 2025 was assessed with 30% of disability, the petitioner in WP.No.30278 of 2025 was assessed with hearing disability at 20.9 % which comes under category I, mild hearing impairment. She is using hearing aids for day to day activities and as such she will be able to perform daily regular activities and she will be able to perform all her physical requirements for medical officer post. The petitioner in WP.No.30506 of 2025 was assessed with disability of 32%. She will be able to perform all bimanual hand function with partial success and she will be able to perform all the physical requirements for the medical officer post. Therefore, all the petitioners were assessed below 40% disabilities as per the prospectus issued by the Selection Committee for

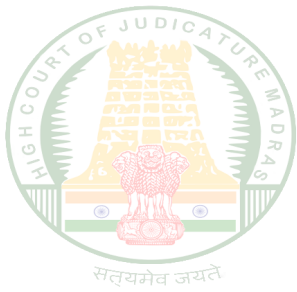


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admission to MBBS/BDS degree course in Tamilnadu Government Medical /Dental Colleges under government quota seats in self financing medical / general colleges, ESIC Medical College, KK Nagar, Chennai affiliated to Tamil nadu Dr.M.G.R. University & State Private Universities for the academic year 2025-26, Clause No.5 with regards to instructions for special category (PWD, Sports and Ex-Servicemen).

9. As directed by the Hon'ble Supreme Court of India in ***Om Rathod's case***¹ (cited supra), National Medical Commission issued interim guidelines on assessment method for granting admission in MBBS courses for PwBD candidates for the academic year 2025-26 and issued Appendix H(1). Accordingly, the eligibility for medical course under PwBD quota under various disability types not less than 40% disability are described in the aforementioned Appendix “H-1” as follows:

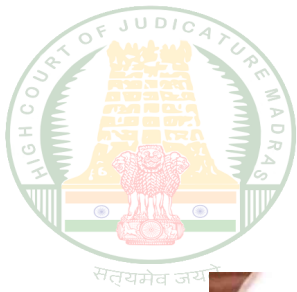


Appendix “II - 1”

Guidelines regarding admission of students with “Specified Disabilities” under the Rights of Persons with Disabilities Act, 2016 with respect to admission in MBBS Course.

- Note : 1. The “Certificate of Disability” shall be issued in accordance with the Rights of Persons with Disabilities Rules, 2017 notified in the Gazette of India by the Ministry of Social Justice and Empowerment [Department of Empowerment of Persons with Disabilities (*Divyangjan*)] on 15th June 2017.
2. The extent of “specified disability” in a person shall be assessed in accordance with the “Guidelines for the purpose of assessing the extent of specified disability in a person included under the Rights of Persons with Disabilities Act, 2016 (49 of 2016)” notified in the Gazette of India by the Ministry of Social Justice and Empowerment [Department of Empowerment of Persons with Disabilities (*Divyangjan*)] on 4th January 2018.
3. The minimum degree of disability should be 40% (Benchmark Disability) in order to be eligible for availing reservation for persons with specified disability.
4. The term ‘Persons with Disabilities’ (PwD) is to be used instead of the term ‘Physically Handicapped’ (PH).

S. No.	Disability Type	Type of Disabilities	Specified Disability	Disability Range		
				Eligible for Medical Course, Not Eligible for PwD Quota	Eligible for Medical Course, Eligible for PwD Quota	Not Eligible for Medical Course
1.	Physical Disability	A. Locomotor Disability, including Specified Disabilities (a to f).	a. Leprosy cured person*	Less than 40% disability	40-80% disability Persons with more than 80% disability may also be allowed on case to case basis and their functional competency will be determined with the aid of assistive devices, if it is being used, to see if it is brought below 80% and whether they possess sufficient motor ability as required to pursue and complete the course satisfactorily.	More than 80%
b. Cerebral Palsy**						
c. Dwarfism						
d. Muscular Dystrophy						
e. Acid attack victims						
f. Others*** such as Amputation, Poliomyelitis, etc.						
* Attention should be paid to loss of sensations in fingers and hands, amputation, as well as involvement of eyes and corresponding recommendations be looked at.						
** Attention should be paid to impairment of vision, hearing, cognitive function etc. and corresponding recommendations be looked at.						
*** Both hands intact, with intact sensations, sufficient strength and range of motion are essential to be considered eligible for medical course.						
		B. Visual Impairment (*)	a. Blindness	Less than 40% disability		Equal to or More than 40% Disability
			b. Low vision			
		C. Hearing impairment@	a. Deaf	Less than 40% Disability		Equal to or more than 40% Disability
			b. Hard of hearing			
	(*) Persons with Visual impairment / visual disability of more than 40% may be made eligible to pursue MBBS Course and may be given reservation, subject to the condition that the visual disability is brought to a level of less than the benchmark of 40% with advanced low vision aids					



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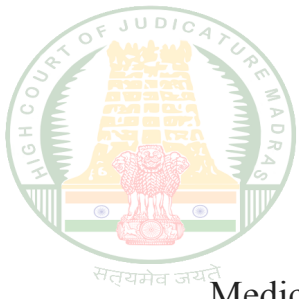
S. No.	Disability Type	Type of Disabilities	Specified Disability	Disability Range		
				Eligible for Medical Course, Not Eligible for PwD Quota	Eligible for Medical Course, Eligible for PwD Quota	Not Eligible for Medical Course
			such as telescopes / magnifier etc. @ Persons with hearing disability of more than 40% may be made eligible to pursue MBBS Course and may be given reservation, subject to the condition that the hearing disability is brought to a level of less than the benchmark of 40% with the aid of assistive devices. In addition to this, the individual should have a speech discrimination score of more than 60%.			
		D. Speech & language disability\$	Organic/ neurological causes	Less than 40% Disability	-	Equal to or more than 40% Disability
		\$ Persons with Speech Intelligibility Affected (SIA) shall be eligible to pursue MBBS Courses, provided Speech Intelligibility Affected (SIA) score shall not exceed 3 (three), which is 40% or below. Persons with Aphasia shall be eligible to pursue MBBS Courses, provided Aphasia Quotient (AQ) is 40% or below.				
2.	Intellectual disability		a. Specific learning disabilities (Perceptual disabilities, Dyslexia, Dyscalculia, Dyspraxia & Developmental aphasia)#	# currently there is no Quantification scale available to assess the severity of SpLD, therefore the cut-off of 40% is arbitrary and more evidence is needed. Less than 40% Disability	Equal to or more than 40% disability and equal to or less than 80%. But selection will be based on the learning competency evaluated with the help of the remediation/ assisted technology/ aids/ infrastructural changes by the Expert Panel.	More than 80% or severe nature or significant cognitive/ intellectual disability.
			b. Autism spectrum disorders	Absence or Mild Disability, Asperger syndrome (disability of upto 60% as per ISAA) where the individual is fit for MBBS course by an expert panel.	Currently not recommended due to lack of objective method to establish presence and extent of mental illness. However, the benefit of reservation/quota may be considered in future after developing better methods of disability assessment.	More than 60% disability or presence of cognitive/intellectual disability and/or if the person is unfit for pursuing MBBS course by an expert panel.
3.	Mental behaviour		Mental illness	Absence or mild Disability: less than 40% (under IDEAS)	Currently not recommended due to lack of objective method to establish presence and extent of mental illness. However, the benefit of reservation/quota may be considered in future after developing better methods of disability assessment.	Equal to or more than 40% disability or if the person is unfit to perform his/her duties. Standards may be drafted for the definition of "fitness to practice medicine", as are used by several institutions of countries other than India.



S. No.	Disability Type	Type of Disabilities	Specified Disability	Disability Range		
				Eligible for Medical Course, Not Eligible for PwD Quota	Eligible for Medical Course, Eligible for PwD Quota	Not Eligible for Medical Course
4.	Disability caused due to	a. Chronic Neurological Conditions	i. Multiple Sclerosis	Less than 40% Disability	40-80% disability	More than 80%
			ii. Parkinsonism	Disability		
		b. Blood Disorders	i. Haemophilia	Less than 40% Disability	40-80% disability	More than 80%
			ii. Thalassemia	Disability		
			iii. Sickle cell disease	Disability		
5.	Multiple disabilities including deaf blindness	More than one of the above specified disabilities	Must consider all above while deciding in individual cases recommendations with respect to presence any of the above, namely, Visual, Hearing, Speech & Language disability, Intellectual Disability, and Mental Illness as a component of Multiple Disability. Combining Formula as notified by the related Gazette Notification issued by the Govt. of India $a + \left[\frac{b(90-a)}{90} \right]$ (where a= higher value of disability % and b=lower value of disability % as calculated for different disabilities) is recommended for computing the disability arising when more than one disabling condition is present in a given individual. This formula may be used in cases with multiple disabilities, and recommendations regarding admission and/or reservation made as per the specific disabilities present in a given individual.			

10. Thus it is clear that the person disabled with less than 40% disability is not eligible to apply under PwBD quota for admission to MBBS / BDS courses for the academic year 2025-26.

11. With regard to the judgments cited by the learned Senior Counsels in support of their contentions, as per the guidelines of the



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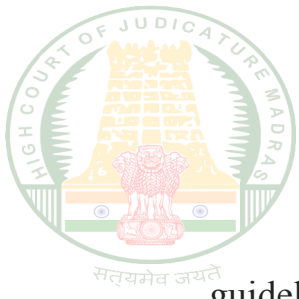
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Medical Council of India, persons with certain percentage of certain other disabilities were debarred from medical admission in toto. This issue was dealt with by the Hon'ble Supreme Court of India and held that debarring a person from medical admission purely based on the percentage of disability is wrong but rather they should be assessed with respect to their functional capability. Therefore, the judgments relied upon by the learned Senior Counsels appearing for the petitioners are not applicable to the cases on hand for the simple reason that those judgments were pronounced for the candidates who were not qualified for the medical course due to their disability and hence the Hon'ble Supreme Court of India issued directions to issue fresh guidelines for admitting such persons with disability to medical courses. But in the cases on hand, all the petitioners were declared ineligible to apply for MBBS/ BDS courses under PwBD quota for the sole reason that they are assessed with below 40% disability. But these petitioners are very well eligible and capable for undergoing the degree of Medicine but they are directed to apply for the same through other quotas/reservations.



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12. Further, the learned Senior Counsels raised a ground that the Regional Medical Board of Rajiv Gandhi Government General Hospital, Chennai, has no power to assess the percentage of disability of the petitioners. However, as per the prospectus, the candidates who seek admission under special category – PwBD should have uploaded a separate special category form which is in Annexure-V and they also have to upload the relevant medical certificates issued by the Regional Medical Board of Rajiv Gandhi Government General Hospital, Chennai. Therefore, the said submission cannot be countenanced. Further, the petitioners were issued UDID card as per Rule 19 of Rights of Persons with Disabilities Rules, 2017. It can be used for other relevant purposes and it is admissible to apply for facilities, concessions and other benefits applicable for persons with disability under schemes of Government and all Non-Governmental Organization funded by the Government. Therefore, it cannot be used for medical admission. As per the guidelines, the persons who seek admission under PwBD quota, shall be subjected to assessment of their disability by the Regional Medical Board of Rajiv Gandhi Government General Hospital, Chennai as per the



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guidelines framed by the National Medical Commission. Further, in view of the interim order passed by this Court, by way of appeal, this Court directed the petitioners for assessment of their disability before JIPMER and all the petitioners were re-assessed of their disability and were found to be below 40% disability. Therefore, the directions sought for in these writ petitions and challenging of disability certificate issued by the Medical Board cannot be considered. As such, all the writ petitions are devoid of merits and the same are liable to be dismissed.

13. Accordingly, all the writ petitions are dismissed. There shall be no order as to costs.

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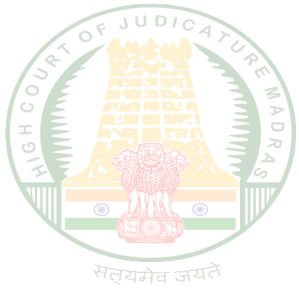
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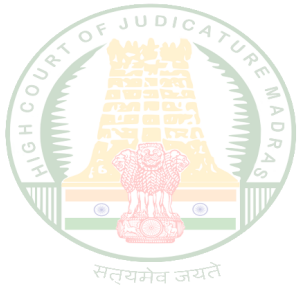
1. Principal Secretary to Government,
The State of Tamil Nadu,
Health and Family Welfare Department,
Secretariat, Fort St. George,
Chennai 600 009
2. The Director of Medical Education & Research,
Kilpauk, Chennai 600 010
3. The Secretary,
Selection Committee,
Directorate of Medical Education & Research,
Kilpauk, Chennai 600 010
4. The National Medical Commission,
Rep. By its Secretary,
Pocket 14, Sector-8,
Dwaraka, New Delhi 110 077
5. Secretary,
Union of India,
Ministry of Health and Family Welfare,
Nirman Bhawan,
New Delhi 110 001
6. Disability Assessment Medical Board,
Rep. by its Secretary,
Rajiv Gandhi Government General Hospital,
No.37JH+624,
Park Town, Chennai 600 003
7. Secretary,
Medical Counselling Committee,
Director General of Health Service,
Ministry of Health and Family Welfare,
Room No.354,
Nirman Bhawan, New Delhi 110 011



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8.Tamil Nadu Medical Council,
C/o.Director of Medical Education and Research
Selection Committee,
Government of Tamil Nadu,
No.162, Periyar E.V.R.High Road,
Kilpauk, Chennai 600 010
9.The Government Advocate,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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