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W.P.No.31074 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2025

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

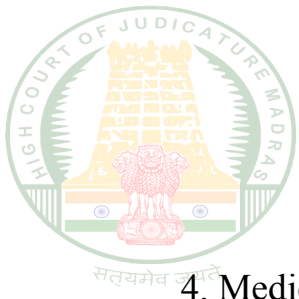
W.P.No.31074 of 2025
and W.M.P.Nos.34833, 34835 and 34836 of 2025

S.S.Senthamail, Minor, aged about 17 years,
Rep. by his father,
A.Selvan,
No.8/169, Krishna Nagar,
Vellar, Mettur Taluk,
Salem District – 636 451

... Petitioner

Vs.

1. Union of India,
Rep. by its Secretary,
Ministry of Health and Family Welfare,
Nirman Bhawan,
New Delhi – 110 001.
2. National Medial Commission,
Rep. by its Secretary,
Pocket-14, Sector-8, Dwarka,
Phase-1, New Delhi – 110 077.
3. Disability Assessment Medical Board,
Rep. by its Secretary,
Rajiv Gandhi Government General Hospital,
No.37JH+624,
Park Town, Chennai – 600 003.



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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

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the third respondent dated 25.07.2025 having Ref. Certificate No.2025-Jul/UDID/000464 relating to the certificate for National Eligibility Cum Entrance Test (NEET) admissions 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 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 and to declare the petitioner as eligible for Pension with Disability (PwD) reservation for attending the counselling for admission to MBBS Course for AY 2025-26.



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For Petitioner

: Mrs.Nalini Chidambaram
Senior Counsel
for M/s.C.Uma

For Respondents

: Mrs.V.Sudha,
Senior Panel Counsel (for R1 & R4)
Mr.B.Rabu Manohar (for R2)
Mrs.M.Sneha,
Special Counsel (for R3 & R5)

ORDER

The instant writ petition has been filed challenging the impugned Disability Assessment Report given by the Experts Body appointed as per the National Medical Commission (NMC) Guidelines and Assessment Methods for Granting Admission in the MBBS Course to PWD candidates for the Academic Year 2025-2026.

2. Vide order dated 21.08.2025, this Court has passed the following order:-

“The instant writ petition has been filed challenging the impugned disability assessment made by the Expert Body constituted as per the National Medical Commission guidelines on assessment methods for granting admission in the MBBS course to PwD candidates for the academic year 2025-26.



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2. *The learned counsel for the petitioner would submit that the petitioner is suffering from a disability of low vision and he comes within the definition of benchmark disability, as his disability is 40%. Whereas the Expert Body constituted as per the National Medical Commission has re-assessed the disability and reduced it to 30%. It is the submission of the learned counsel that there is no appellate body for re-assessment. In view of the same, such an order is amenable to judicial review.*

3. *Per contra, the learned Senior Panel Counsel appearing for the first and fourth respondents would invite the attention of the Medical Counselling Committee notice dated 21.07.2025, and about the designation of 16 Disability Certificate Centres, and would contend that if the petitioner has any grievance regarding the assessment made by the third respondent, then he may be directed to undergo a fresh assessment through the designated Disability Certificate Centres.*

4. *The learned Special Counsel appearing for the third and fifth respondents would submit that in similar circumstances, the Division Bench of this Court in W.A. No. 2531 of 2025 constituted a Special Disability Committee. Therefore, as per the ratio laid down by the Division Bench of this Court, a direction may be issued to the Director of Medical Education, Government of Tamil Nadu, Chennai, to constitute such a committee.*

5. *I have given my anxious consideration to either side submissions.*



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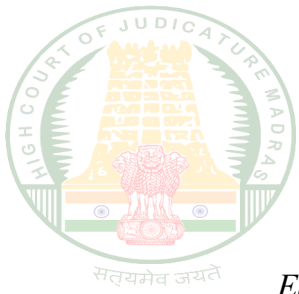
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6. While looking at the Designated Disability Certificate Centres, the Madras Medical College is the designated centre, whereas the said College is the third respondent herein, and the very impugned assessment was given them. Therefore, again referring the petitioner to the third respondent will not be justifiable, apart from that the other Designated Disability Certificate Centres are far-off places, qua out side the State.

7. In view of the above, this Court deems it appropriate to follow the course adopted by the Hon'ble Division Bench of this Court in W.A. No. 2531 of 2025, dated 14.08.2025, and pass the following interim order:-

(a) The Director of Medical Education, Government of Tamil Nadu, Chennai is hereby directed to constitute a Special Medical Board consisting of three experts / doctors, one each from Rajiv Gandhi Government General Hospital (Madras Medical College), Stanley Medical College and Kilpauk Medical College at Chennai immediately and the Board can have an examination of the physical status of the petitioner by 25.08.2025 and a certificate to that effect shall be issued forthwith and the same shall be produced by the fifth respondent through the respective counsel before this Court on 26.08.2025.

(b) In view of the urgency, the constitution of the Medical Board as directed above shall immediately be undertaken by the Director of Medical Education, who, though is not a party to this proceedings, Ms.Sneha, learned counsel for the respondents 3 and 5 undertakes to communicate this order immediately to the Director of Medical



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Education today itself.

(c) *The intimation of medical examination by the Medical Board to be constituted by the Director of Medical Education shall be intimated to the counsel for the petitioner and communication received even by electronic mode from the respondents' side by the learned counsel for the petitioner can be taken as official communication and accordingly the petitioner shall appear before the Medical Board to be constituted as stated above for the medical examination.*

(d) *The needful shall be undertaken scrupulously without any further delay and the certificate with supporting affidavit on behalf of the fifth respondent shall be filed before this Court on 26.08.2025.*

7. List this case on 26.08.2025. Registry is directed to mark a copy of this order to the Director of Medical Education, Government of Tamil Nadu, Chennai."

3. Based upon the above order, the petitioner has appeared before the newly constituted Expert Committee. The Court constituted Expert Committee has again assessed the petitioner and arrived at the conclusion that the petitioner is having only 30% Visual Disability. In view of the above report, the petitioner does not have a bench mark disability.

4. Accordingly, Recording the report given by the Court appointed



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Expert Committee, the Writ Petition is closed. No costs. Consequently, the connected writ miscellaneous petitions are closed.

26.08.2025

Index : Yes/No
Speaking order /Non Speaking Order
Neutral Citation : Yes/No
dm

To

- 1.The Secretary,
Union of India, Ministry of Health and Family Welfare,
Nirman Bhawan, New Delhi – 110 001.
2. The Secretary,
National Medial Commission, Pocket-14, Sector-8, Dwarka,
Phase-1, New Delhi – 110 077.
3. The Secretary,
Disability Assessment Medical Board,
Rajiv Gandhi Government General Hospital,
No.37JH+624, Park Town, Chennai – 600 003.
- 4.The 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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C.KUMARAPPAN, J.

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