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W.A.No.2531 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2025

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE P. DHANABAL

W.A.No.2531 of 2025

R.Chandru

[minor rep. by Prem Anand]

.. Appellant

Vs.

1. The State of Tamil Nadu
Rep. by its Secretary to Government
Health and Family Welfare Department
Fort St. George, Chennai – 600 009.
2. The Selection Committee
Rep. by its Secretary, Directorate of Medical Education
No.168, Periyar EVR High Road
Kilpauk, Chennai – 600 010.
3. Union of India
Rep. by its Secretary
Ministry of Human Resource Development
Room No.316, All India Council for Technical Education
Nelson Mandela Marg, Vasant Kunj
New Delhi – 110070.
4. The National Medical Commission
Pocket – 14, Sector – 8, Dwaraka
New Delhi – 110 077.
5. The Medical Counselling Committee (MCC)
Rep. by Director General of Health Services
Ministry of Health and Family Welfare
Nirman Bhawan, New Delhi – 110 001.



W.A.No.2531 of 2025

WEB COPY

6. Directorate of General of Health Services
Rep. by the Deputy Director General of Health Services
Ministry of Health and Family Welfare
Government of India, Nirman Bhawan
New Delhi – 110 001.

.. Respondents

Prayer: Appeal filed under Section 5 of the Limitation Act, to set aside the order dated 06.08.2025 passed in W.P.No.29669 of 2025, thereby, direct the respondents 1 and 2 to participate in the process of ongoing seat allotment, admission to MBBS/BDS Degree Courses in Tamil Nadu Government Medical Colleges for the 2025-2026 session for Special Category.

For the Appellant : Mr.K.Venkataramani
Senior Counsel
for Mr.S.Narayanan

For the Respondents : Ms.M.Sneha
Special Counsel
for R1 and R2

JUDGMENT

(Judgment of the Court was made by R.SURESH KUMAR, J.)

This writ appeal has been directed against the order passed by the Writ Court dated 06.08.2025, made in W.P.No.29669 of 2025.

2.1. That the appellant minor, represented by his maternal uncle, was the writ petitioner, who approached the Writ Court seeking a writ of mandamus, to direct respondents 1 and 2 to include the appellant in the process of seat allotment in Persons



W.A.No.2531 of 2025

WEB COPY

with Disability¹ quota for MBBS/BDS in UG Degree courses in Session 2025-26, Round I.

2.2. In order to seek such admission in PwD quota, the criteria fixed by the Selection Authority is that he must have the benchmark disability of at least 40% and it may go up to 80%. Though, in this regard, the appellant, after having subjected to medical examination, has been given certification with benchmark disability of 40%, as per the procedure which was in vogue, the Selection Authorities now have constituted a Medical Team or a Medical Board, before whom, every such persons who seek such admission under the PwD quota must get certification with regard to the benchmark disability and in this context, the appellant obtained certification from the Medical Board for only 16% benchmark disability. Since the minimum benchmark disability was 40%, his candidature was rejected to be considered under the PwD quota. That is the reason why he had approached the Writ Court, seeking indulgence.

3. The learned Writ Court, having considered the claim made by the writ petitioner and the defense taken by the respondent

¹ Hereinafter referred to as "PwD"



W.A.No.2531 of 2025

WEB COPY

Selection Authorities, has noted a point that the counselling notification under special category was published on 25.07.2025 and it was available till 30.07.2025, however, knowing well that the counselling was over by 30.07.2025, belatedly, in the first week of August, 2025, the writ petitioner since has moved the Writ Court by filing the writ petition, as by that time, the counselling for special category, that is for PwD quota, was over as early as on 30.07.2025, on that ground itself, the writ petition has to be dismissed and the learned Judge dismissed the writ petition through the impugned order dated 06.08.2025.

4.1. When this intra-Court appeal came up for admission, after hearing *Mr.K.Venkataramani*, learned Senior Counsel appearing on behalf of the appellant/writ petitioner and *Ms.M.Sneha*, learned Special Counsel appearing for the Health and Family Welfare Department, that is respondents 1 and 2, on 14.08.2025, we have passed the following orders:-

"The appellant was one of the candidates, who participated in the selection process for getting admission in MBBS / BDS Under Graduate Degree course for the academic year 2025-26 in the State of Tamil Nadu under the Persons with Disability (PwD) category. After having been examined by the District Medical Board, Perambalur, the appellant's benchmark disability was assessed at 40% and a certificate to that



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W.A.No.2531 of 2025

effect was given. However, as per the prospectus issued by the second respondent, every such case would be referred to the Medical Board constituted in this regard, to whom when the case of the appellant was referred, the medical board assessed his disability at only 16%.

2. Since the second respondent selection committee would take into account only the disability assessed by the Medical Board constituted in this regard and it was only 16%, he was not considered for selection and admission to the course concerned.

3. Aggrieved over the said non-selection, the appellant approached the Writ Court by filing W.P.No.29669 of 2025, which was dismissed by the Writ Court through the impugned order dated 06.08.2025, mainly on the ground that the counselling was over by 30.07.2025 and even though the Medical Board's disability percentage certificate was made known to him as early as on 25.07.2025, he had not approached the authorities or the writ Court in time and since he had approached belatedly ie., after the completion of the counselling by 30.07.2025, therefore on that ground alone the Writ Court was not inclined to interfere with the selection and no indulgence has been shown with regard to the prayer sought for by the appellant / writ petitioner and that is how the writ petition came to be dismissed by the impugned order dated 06.08.2025.

4. We have heard Mr.K.Venkataramani, learned Senior Counsel appearing for the appellant and Ms.M.Sneha, learned Special Counsel appearing for the respondents 1 and 2. Since the other respondents are not main contesting respondents insofar as the present lis is concerned, after hearing the learned counsel appearing for the appellant as well as the learned counsel for the respondents 1 and 2, we do feel that the case of the appellant can be referred for re-examination



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W.A.No.2531 of 2025

of the disability status of the appellant by a specially constituted Medical Board, before whom the appellant can appear as directed by this Court in this order and once, after assessment if the newly constituted Medical Board gives a certificate based on which the further course of action in this matter can be decided by this Court.

5. It is to be noted that as per the present schedule, which has been announced by the second respondent on 12.08.2025, the counselling date has been extended further upto 5.00 p.m. on 16.08.2025 and seat allotment will be done on 17.08.2025 and result would be published by 18.08.2025. In this context, learned counsel for the respondents 1 and 2 submits that on 18.08.2025 at 5.00 p.m., the results would be announced, before which if the Medical Board examine the appellant and a certificate to that effect is issued, based on which the Court can take a decision. However, at any rate the over all results to be published on 18.08.2025 evening shall not be disturbed as many number of candidates would be getting seats in the first round of counselling, which would have a cascading effect if it is delayed further even in respect of second and third round of counselling.

6. We have taken into account the submissions made by both sides and are inclined to 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 appellant by 16.08.2025 and a certificate to that effect shall be issued forthwith and the same shall



WEB COPY



W.A.No.2531 of 2025

be produced by the second respondent through the respective counsel before this Court on 18.08.2025.

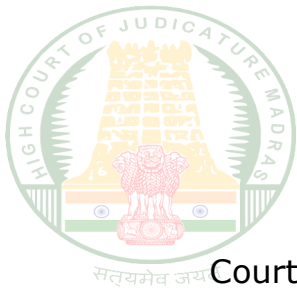
(b) In view of the great urgency that has been indicated herein above, the constitution of the Medical Board as directed above shall immediately be undertaken by the Director of Medical Education, who, though is not a party to this proceedings, Ms.Sneha, learned counsel for the respondents 1 and 2 undertakes to communicate this order immediately to the Director of Medical 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 appellant and communication received even by electronic mode from the respondents' side by the learned counsel for the appellant can be taken as official communication and accordingly the appellant 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 second respondent shall be filed before this Court on 18.08.2025.

7. List this case on 18.08.2025 as first item. Registry is directed to mark a copy of this order to the Director of Medical Education, Government of Tamil Nadu, Chennai."

4.2. Pursuant to the aforesaid order dated 14.08.2025, a Special Medical Board has been constituted, before whom, on 16.08.2025, the writ petitioner/appellant appeared and the Special Medical Board, constituted pursuant to the orders passed by this



W.A.No.2531 of 2025

WEB COPY

Court, having examined the physical status of the writ petitioner/appellant, has given certification dated 16.08.2025, which *inter alia*, states as follows:-

CERTIFICATE FOR NEET ADMISSIONS FOR SPECIALLY ABLED CANDIDATES
(As per NMC Guidelines on assessment methods for granting admission in MBBS course to PwBD candidates for AY 2025-26)

SPECIAL MEDICAL BOARD AS PER COURT ORDER W.A.NO.2531/2025
CERTIFICATE NO: 000299 Date: 16-08-2025

Name of the Designated Disability Certification Centre This to certify that Dr./Mr./Ms.	RGGGH Chennai CHANDRU	 16 AUG 2025 CHENNAI-600 003 RAJIV GANDHI GOVT. GENERAL HOSPITAL
Age NEET Roll No.	18 4102113161	

UDID Card Details

Disability Details UDID Card No.	Issue date of UDID Card	Disability Type (Acc. To UDID Card)	Disability % as per UDID Card
TN5890520070004822	01-04-2025	LOCOMOTOR DISABILITY	40 %

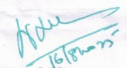
The Candidates is able to perform the skills as given in the functional competencies as per the Affidavit submitted by him/her.

Conclusion: Not Eligible for PwD Reservation

Remark: DIAGNOSIS – CTEV (CONGENITAL TALIPES EQUINOVARUS) RIGHT FOOT / POST SURGICAL STATUS.
LOCOMOTOR DISABILITY IS 23% TWENTY THREE PERCENTAGE.


 Sign & Name:
Dr. K. MOHAN KUMAR

 PROFESSOR
 ORTHO
 Dr. K. MOHANKUMAR, M.S. (Ortho)
 PROFESSOR OF ORTHOPAEDICS
 GOVT. STANLEY MEDICAL COLLEGE
 Reg. No: 55516

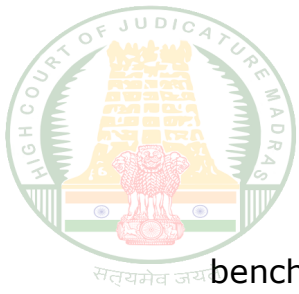

 Sign & Name:
Dr THAMIL PAVAI

 PROFESSOR
 NEUROLOGY
 Dr. N. THAMILPAVAI, M.D., D.M.,
 Reg. No: 56980
 PROFESSOR OF NEUROLOGY
 MADRAS MEDICAL COLLEGE &
 RAJIV GANDHI GOVT. GENERAL HOSPITAL
 CHENNAI - 600 003.


 Sign & Name:
Dr JAWAHAR RAJA RATHINAM. S

 ASSOCIATE PROFESSOR
 PHYSICAL MEDICINE AND
 REHABILITATION
 Dr.S.JAWAHAR RAJA RATHINAM MBBS DPMR
 Reg. No.71369 Associate Professor
 (PMR) Physical Medicine & Rehabilitation Dept.
 Govt. Kilpauk Medical College Hospital
 Chennai - 600 010.

5.1. Relying upon this certification given by the Special Medical Board, *Ms.M.Sneha*, learned Special Counsel appearing for the respondents 1 and 2 would submit that, since the minimum



W.A.No.2531 of 2025

WEB COPY

benchmark disability is 40% and goes up to 80%, and if it is certified between 40% and 80% disability either by the Medical Board constituted in this regard by the Selection Authorities or at least by the Special Medical Board, now constituted pursuant to the orders passed by this Court, then only the writ petitioner/appellant would be entitled or eligible to be considered under the PwD quota.

5.2. Whereas, the Medical Board, originally constituted by the Selection Authorities for all candidates like the writ petitioner/appellant, having examined the writ petitioner/appellant, had given certification only as 16% disability. Now, the Special Medical Board has given certification only as 23% disability. Therefore, both the Medical Boards have not given any such percentage of benchmark disability touching the minimum 40%, therefore, he might be eligible to compete with others in the regular quota for getting MBBS admission, provided if he is having merit, but not under the PwD quota, she contended.

6.1. However, *Mr.K.Venkataramani*, learned Senior Counsel appearing for the writ petitioner/appellant would submit that, it is immaterial to state that merely because the Special Medical Board has given 23% or the Medical Board, which was constituted by the



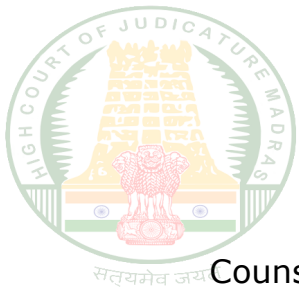
W.A.No.2531 of 2025

WEB COPY

Selection Authorities, has given only 16% disability, that alone could be taken into account by ignoring the certification given by the Medical Board which was originally constituted, before whom every student has to get certification from the concerned District at the first instance, which had given 40% disability certification to the writ petitioner/appellant, which is the minimum benchmark disability, thereby, since the writ petitioner/appellant has touched upon the eligible criteria to seek admission under PwD quota, such admission cannot be denied to the writ petitioner/appellant, he contended.

6.2. He has also, in this context, relied upon a decision of the Hon'ble Supreme Court in the matter of ***Om Rathod vs. The Director General of Health Services and Ors.***² and would argue that insofar as the disability of a person which is quantified at the time of availing a Unique Disability ID card is concerned, 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 Unique Disability ID card. Relying upon this observation made by the Hon'ble Supreme Court in the said judgment, the learned Senior

² 2024 INSC 836; Civil Appeal No.12110 of 2024.



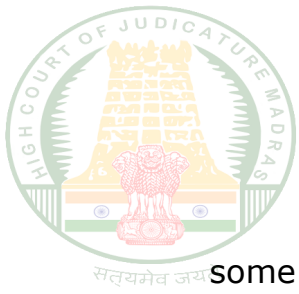
W.A.No.2531 of 2025

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Counsel appearing for the writ petitioner/appellant would canvass the point that, at the threshold, the Medical Board since has given 40% disability certification, that alone shall be taken into account as the initial assessment for the purpose of getting admission in Medical Courses and not the subsequent assessments taken either by the Medical Board constituted in this regard by the Selection Authorities or the Special Medical Board constituted pursuant to the orders passed by this Court, as there has been variation amongst these three Boards' decisions and hence, the learned Senior Counsel seeks indulgence of this Court.

7. We have considered the said rival submissions made by the learned counsel appearing for both sides and have perused the materials placed before this Court.

8. Here, the question is whether the writ petitioner/appellant is entitled to seek admission under the PwD quota or not. For getting admission under the PwD quota, the prescription is he/she must have minimum 40% benchmark disability, which may go up to 80%. Beyond 80% benchmark disability, whether a person can pursue a Medical Course, especially MBBS Course, or not is altogether a different issue, which might have been considered in



W.A.No.2531 of 2025

WEB COPY

some other cases, including the case of **Om Rathod**, as cited by the learned Senior Counsel appearing for the appellant.

9. Here in the case in hand, the writ petitioner/appellant, no doubt, is eligible and entitled to pursue Medical Course, that is MBBS or BDS Course and because of his disability, he is not put under any disadvantageous position to pursue the said course. With regard to this position, we have absolutely no quarrel, but, by virtue of the certification less than the minimum percentage of benchmark disability, whether he could be considered to be one of the candidates for admission under the PwD quota is the question.

10. When we delve into to answer that question, the criteria prescribed by the Selection Authorities to take the writ petitioner/appellant into the fold of PwD is 40% minimum benchmark disability. Even though the first Medical Board has given a certification for 40%, the Medical Board constituted in this regard by the Selection Authorities since has given certification only for 16%, in order to get a correct percentage for benchmark disability as far as the writ petitioner/appellant is concerned, we thought of constituting a Special Medical Board, that too, because the admission counselling which had been originally intended to be



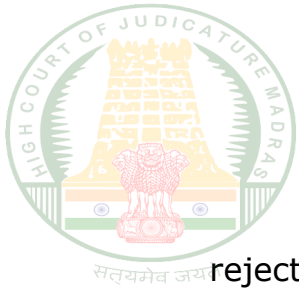
W.A.No.2531 of 2025

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closed by 13.07.2025 has subsequently been extended up to 16.08.2025, we have given such directions on 14.08.2025 to constitute a Special Medical Board, which was constituted, before whom, the writ petitioner/appellant has been examined physically and the said Special Medical Board now has given certification only for 23% locomotor disability, which is also not touching the minimum benchmark disability of 40%.

11. When that being the position, the writ petitioner/appellant certainly would not be entitled to seek admission under the PwD quota, as that quota is given for only those candidates who are having 40% minimum benchmark disability, which he has not reached either by the Medical Board certification, constituted by the Admission Authorities or by the Special Medical Board, constituted by the orders of this Court.

12. Therefore, the analogy that has been cited by the learned Senior Counsel, quoting the judgment of **Om Rathod** (cited *supra*) is not applicable to the present facts of the case and therefore, the plea raised by the appellant seeking indulgence of this Court in this intra-Court appeal as against the order passed by the Writ Court, which is impugned herein, is liable to be rejected, accordingly, it is



W.A.No.2531 of 2025

rejected.
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13. Resultantly, the appeal fails and hence, it is dismissed.
However, there shall be no order as to costs. Consequently,
C.M.P.No.20103 of 2025 is closed.

(R.S.K., J.) (P.D.B., J)
18.08.2025

Speaking Order/Non-Speaking Order
Index:Yes/No
Internet:Yes/No
Neutral Citation:Yes/No

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W.A.No.2531 of 2025

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To:

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W.A.No.2531 of 2025

R. SURESH KUMAR, J.
AND
P. DHANABAL, J.
(drm)

W.A.No.2531 of 2025

18.08.2025