

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.35014 of 2025

And

W.M.P.No.39161 of 2025

Ilakkiya G

Represented by her Natural Guardian

Mrs.R.Parvathy

... Petitioner

Vs.

1 THE STATE OF TAMIL NADU
REP. BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF HEALTH AND FAMILY WELFARE,
FORT ST. GEORGE,
CHENNAI – 600 009.

2 THE NATIONAL MEDICAL COMMISSION
THROUGH ITS SECRETARY,
POCKET – 14, SECTOR-8, DWARKA,
NEW DELHI – 110 077.

3 RAJIV GANDHI GOVERNMENT GENERAL HOSPITAL
REPRESENTED BY ITS REGIONAL MEDICAL BOARD
HAVING OFFICE AT, GH POST OFFICE,
POONAMALLEE HIGH ROAD,
3, GRAND SOUTHERN TRUNK ROAD,
PARK TOWN,
CHENNAI – 600 003.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to

issue a Writ of Certiorarified Mandamus to call for the records and proceedings of the impugned disability certificate dated 25.07.2025 issued by the third respondent herein and quash the same and consequently, direct the respondents to conduct a proper re-assessment by a duly constituted Medical Board to adjudge the petitioner's disability in terms of the interim guidelines dated 19.07.2025 issued by the respondent no.2 and in accordance with the guidelines laid by the Hon'ble Supreme Court in Om Rathod v. Director General of Health Services and ors., 2024 SCC Online SC 3130, more specifically with respect to the various courses she could pursue, with reasonable accommodations, including assistive devices required, if any.

For Petitioner : Mr.Sriram Venkatavaradan

For Respondents : Mr.E.Sundaram for R1 and R3
Government Advocate
Mrs.Subharanjani Ananth for R2

O R D E R

This writ petition has been filed seeking issuance of Writ of Certiorarified Mandamus to call for the records and proceedings of the disability certificate dated 25.07.2025 issued by the third respondent and quash the same and consequently, direct the respondents to conduct a proper re-assessment by a duly constituted Medical Board to adjudge the petitioner's disability in terms of the interim guidelines

dated 19.07.2025 issued by the second respondent and in accordance with the guidelines laid by the Hon'ble Supreme Court in Om Rathod v. Director General of Health Services and ors., 2024 SCC Online SC 3130, more specifically with respect to the various courses she could pursue, with reasonable accommodations, including assistive devices required, if any.

2.The learned counsel appearing for the petitioner submitted that the petitioner is a 17 year old girl with benchmark disability coming within the meaning of Section 2(r) of the Rights of Persons with Disabilities Act, 2016 with 75% permanent locomotor disability affecting both lower limbs, as certified by the Government Institute of Rehabilitation Medicine, Chennai. Despite disability, the petitioner is able to carry out her day to day activities by herself with minimal assistance. The petitioner chose to pursue medicine through NEET – UG 2025 under the PwD category seeking to avail the benefit of 5% reservation for Persons with Benchmark Disabilities (PwBD) as provided under Section 32 of the Rights of Persons with Disabilities Act, 2016, however, despite the petitioner possessing the disability certificate and eligibility criteria, the petitioner's candidature was

rejected on the ground of her being 'wheelchair bound'.

3.The learned counsel appearing for the petitioner further submitted that this Court vide order dated 12.09.2025 made in W.M.P.No.39161 of 2025 in W.P.No.35014 of 2025 directed the respondents to allow the petitioner to participate in the counselling after receiving an affidavit stating that she will not claim any equity or matter of right for the seat, pursuant to which, the petitioner participated in the counselling, however, she was not allotted any seat. The learned counsel further submitted that persons who secured lower marks than the petitioner was given seat. Hence, this Court may direct the respondents to conduct a proper re-assessment by a duly constituted Medical Board to adjudge the petitioner's disability in terms of the interim guidelines dated 19.07.2025 issued by the second respondent and in accordance with the guidelines laid by the Hon'ble Supreme Court in Om Rathod v. Director General of Health Services and ors., 2024 SCC Online SC 3130, and to allot a seat in favour of the petitioner under the PwBD category.

4.The learned counsel appearing for the second respondent submitted that as per the direction issued by the Hon'ble Supreme

Court, the National Medical Council has framed interim guidelines. Hence, this Court may issue direction to the Expert Body constituted at JIPMER in respect of PwBD candidates to examine the petitioner as per the interim guidelines issued by the National Medical Council and to pass appropriate orders. Till such time, the interim order of this Court dated 12.09.2025, may be directed to continue.

5.The learned counsel appearing for the petitioner raise no serious objection.

6.In view of the above, the petitioner is directed to appear before the Expert Body constituted at JIPMER in respect of PwBD candidates and the Expert Body at JIPMER is directed to examine the petitioner in terms of the interim guidelines framed by the National Medical Council and pass appropriate orders and such exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. Till such time, the interim order of this Court dated 12.09.2025 made in W.M.P.No.39161 of 2025 in W.P.No.35014 of 2025, shall continue, so as to enable the petitioner to secure a seat under the PwBD category.

7.The writ petition is disposed of with the above terms. No costs. Consequently, connected miscellaneous petition is closed.

22.09.2025

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

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