



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-23522-2023 (O&M)

Date of decision:- 11.07.2025

Dr. Pawanpreet Kaur

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: **HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE**
HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Siddharth Gupta, Advocate,
for the petitioner.

Mr. Vipin Pal Yadav, Additional Advocate General, Punjab,
for respondent No. 1.

Mr. Ravi Sharma, Standing Counsel,
for respondent No. 2 – Medical Council of India.

Mr. Nitin Kaushal, Advocate,
for respondent No. 3 – Baba Farid University of Health Sciences.

Mr. Himanshu Arora, Additional Standing Counsel,
for respondent No. 5 – Government Medical College, Chandigarh.

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SHEEL NAGU, C.J. (ORAL)

1. The petitioner is seeking admission to (MD-MS General Medicine) Course in Government Medical College, Amritsar (respondent No. 4) under the Physically Handicapped Category (BF-GC-State Quota-PWD (IP)).

2. This Court, while taking cognizance, was apprised of recent decision of the Apex Court rendered in **Omkar Ramchandra Gond Vs. The Union of India and others**, 2024 SCC OnLine SC 2860 (Civil Appeal No.

10611 of 2011 decided on 15.10.2024), which *inter alia* in paragraphs 53 concluded thus :

“53. For the reasons set out hereinabove,

- (i) We hold that quantified disability per se will not disentitle 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.*
- (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. In view of directions issued by the Apex Court in paragraph 53 of the judgment in **Omkar Ramchandra Gond's case** (supra), wherein the admitted factual scenario is of absence of any Appellate Body for reviewing the decision of the Medical Board, this Court vide order dated 29.01.2025 directed the Medical Superintendent, PGIMER, Chandigarh, to constitute a Board of Doctors to give opinion as regards physical fitness of the petitioner.

4. Accordingly, the opinion dated 20.03.2025 given by the Medical Board of PGIMER, Chandigarh, has been produced in sealed cover, which is taken on record as Mark 'X'.

5. The opinion given by the Medical Board of PGIMER, Chandigarh, is to the following extent:

“Medical Board Report

In pursuance of the orders dated 29.01.2025 received from Hon'ble Punjab and Haryana High Court,

Chandigarh in CWP No. 23522-2023 case titled as Dr. Pawanpreet Kaur Vs State of Punjab and others, a medical board with following members was constituted As per order no: EV (9) PGI-MS/MA-63/2025 dated 07.02.2025 of Establishment branch (Nursing) PGIMER, Chandigarh

- 1. Prof. Sameer Agarwal, Chairman, Department of Orthopedics*
- 2. Prof. Pebam Sudesh, Department of Orthopedics*
- 3. Prof. Sunil Dogra, Department of Dermatology*
- 4. Dr. Uttam Saini, Associate Professor, Department of Orthopedics*
- 5. Dr. Reddi Prudhvi, Senior Medical Officer, ATC & Emergency*

The board further co-opted the following additional members:

- 1. Prof. Suman Arora, Department of Anesthesia and Critical Care*
- 2. Dr. Ajay Kumar Pannu, Additional Professor, Department of Internal Medicine*
- 3. Dr. G.S.R.S.N.K. Naidu, Additional Professor, Department of Internal Medicine*

The assessment was conducted on 17.03.2025, and the corresponding report was attached as Annexure -1.

Additionally, a letter of recommendation regarding work efficiency from the Unit Head of the Department of General Medicine, Amritsar was received and attached as Annexure-2.

Based on the assessment report and recommendation, the Committee has concluded that Dr. Pawanpreet Kaur is fit to pursue the course of M.D. General Medicine as a Junior Resident.”

“Assessment Report

The petitioner’s basic life support skills were assessed at the anesthesia skill lab Trauma Centre, PGIMER on March 17, 2025. The evaluation was carried out under the supervision of following members:

- 1. Prof. Suman Arora, Department of Anesthesia and Critical Care*
- 2. Dr. Ashok Kumar Pannu, Additional Professor, Department of Internal Medicine*
- 3. Dr. GSRSNK Naidu, Additional Professor, Department of Internal Medicine*

The petitioner was asked to perform the following skills:

- 1. Intra venous cannulation*
- 2. Chest compressions*
- 3. Bag and mask ventilation*
- 4. Endotracheal intubation*

The petitioner was able to perform/demonstrate the procedures and the overall performance was deemed satisfactory.”

“No. 15/Med/5

Date: 22.02.25

TO WHOMSOEVER IT MAY CONCERN

This is to certify that Dr. Pawanpreet Kaur D/o Bagga Singh, R/o VPO Jethuke Teh Phul, Distt. Bathinda Pin Code 151103 is Presently working as Junior Resident in Department of Medicine under unit 5 from 23/10/23 till date. She is performing her duties very well. Her work and conduct is satisfactory during this period.

*Associate Professor
Incharge Medicine Unit 5
Government Medical College
Amritsar.”*

6. In view of above, it has been opined by the Medical Board of PGIMER, Chandigarh, that the petitioner is fit to pursue the course of M.D. General Medicine as a Junior Resident.

7. In view of the aforesaid medical opinion of the expert body, this Court is left with no option but to allow this petition in the following terms:-

(i) The petitioner has already completed her MBBS Course and Internship pursuant to an order dated 29.08.2017 (Annexure P-4) passed by a Division Bench of this Court in CWP-16839-2017 filed by the petitioner.

(ii) The petitioner, vide interim order dated 16.10.2023 passed by a Coordinate Bench of this Court in the present petition, was allowed to attend classes of (MD-MS General Medicine) Course in respondent No. 4 – College as per the seat allotted to her as per provisional allotment letter dated 09.10.2023 (Annexure P-10) issued by respondent No. 3 – University which was subsequently withdrawn on 16.10.2023.

(iii) The provisional allotment letter dated 09.10.2023 (Annexure P-10) stands regularized and the petitioner is to be allowed to pursue the said Course.

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

11.07.2025
Amodh Sharma

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No