



CWP-33681-2024

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

CWP-33681-2024

Date of decision : 10.01.2025

Gagan Uppal

.....Petitioner

Versus

Lala Lajpat Rai University of Veterinary and Animal Science, Hisar and
another

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SUDHIR SINGH

Present: Mr. Vivek Suri, Advocate, and
Mr. Dushyant Godara, Advocate,
for the petitioner.

Mr. Ashish Verma, Advocate,
for the respondents.

SHEEL NAGU, CHIEF JUSTICE (Oral)

1. The petitioner is seeking admission to Veterinary and Livestock Development Diploma (VLDD) course in Lala Lajpat Rai University of Veterinary and Animal Science, Hisar (respondent No.1) under the category of Persons with Disability.

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 17.12.2024 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 31.12.2024 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 :

“In pursuance of the orders received from Hon'ble Punjab and Haryana High Court, Chandigarh for medical examination in case No. CWP-33681-2024 in case titled as Gagan Uppal Vs. Lala Lajpat Rai University of veterinary



and Anil Science Hisar through its registrar and Anr., a Medical Board of the following doctors was constituted vide letter no. EV (9) PGI-MS/MA-63/2024 dated 27.12.2024.

- 1. Dr. Akhilesh Sharma, Department of Psychiatry - Chairman*
- 2. Dr. Aseem Mehra, Department of Psychiatry - Member*
- 3. Dr. Krishan Kumar, Department of Psychiatry - Member*
- 4. Dr. Minal Bhatia, Department of Hospital Administration - Convener*

In this regard, the patient was called by Medical Board members on 31.12.2024, at 9.00 AM in the psychiatry OPD for the evaluation. Patient was accompanied with maternal uncle, his detailed assessment was done which included history taking regarding his mental illness and detailed mental status examination. Assessment of intelligent quotient was also done. He was obsessive compulsive disorder with Bi-polar affective disorder. He is receiving regular treatment for these ailments and currently maintaining well. His intelligent quotient is 91 (Average). After final assessment, the medical board is of the opinion that Mr. Gagan Uppal s/o Kashmiri Lal is fit to join the said course.”

6. In view of above, it has been opined by the Medical Board of PGIMER, Chandigarh, that the petitioner is fit to join the course.

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) This Court has already directed vide an interim order dated 17.12.2024 that any admission made against the seat allotted to the petitioner will be subject to outcome of the petition and the concerned Medical College and Hospital shall inform the candidate, who is admitted against the said seat



allotted to the petitioner, about passing of the order. Learned counsel for the respondents has produced Admission Order dated 30.12.2024, whereby Shri Manjeet was provisionally admitted to VLDD (Veterinary and Livestock Development Diploma) prgoramme at IPVS, LUVAS, for academic session 2024-25. However, it was made clear that his admission was subject to final outcome of this petition. The Admission Order dated 30.12.2024 is taken on record as Mark ‘Y’. In this backdrop of the factual position, this Court directs that the petitioner be granted admission in the said course, by cancelling admission of Shri Manjeet, and in view of the Admission Order dated 30.12.2024, this Court does not find it appropriate to issue separate notice to Shri Manjeet before ousting him from the seat allotted to him.

(SHEEL NAGU)
CHIEF JUSTICE

(SUDHIR SINGH)
JUDGE

January 10, 2025
narotam

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