GAHC010207962026

2026:GAU-AS:16270

THE GAUHATI HIGH COURT

(THE HIGH COURT OF ASSAM, NAGALAND, MIZORAM & ARUNACHAL PRADESH)

WRIT PETITION [C] NO. 5160/2026

Sabirna Sultana, S/o- Sabbir Ahmed, Vill- Dalophar, P.O. Ashalkandi P.S. Patharkandi, Dist- Sribhumi, Assam.

.....Petitioner

-**VERSUS**-

1. The State of Assam represented by the Commissioner and Secretary to the Govt. of Assam, Department of Health and Family Welfare, Dispur, Guwahati-06.

2. The Director of Medical Education, Assam, Khanapara, Guwahati-22.

.....Respondents

WITH WRIT PETITION [C] NO. 4963/2026

1. Md. Abul Kalam Azad, S/o- Late Yakub Ali and Father of Azad Wasib Ahmed, R/o- Ural Kata

Pather, P.O. Sahariagaon, P.S. Morigaon, District- Morigaon, Assam.

2. Azad Wasib Ahmed, Son of and represented by his father Md. Abdul Kalam Azad, R/o- Ural Kata Pather, P.O. Sahariagaon, P.S. Morigaon, District- Morigaon.

.....Petitioners

-**VERSUS**-

1. The State of Assam represented by Commissioner and Secretary to the Government of Assam, Medical Education and Research Departments, Janata Bhawan, Dispur, Guwahati- 781006, Assam.

2. Director of Medical Education (DME), Assam, Directorate of medical Education, Six Mile, Jaya Nagar, Khanapara, Guwahati, Assam, 781022, Assam.

3. National Medical Commision, represented by its Secretary, Pocket-14, Sector- 8, Dwarka Phase- 1, New Delhi- 110077.

.....**Respondents**

WITH WRIT PETITION [C] NO. 5429/2026

Nikita Deb, D/o- Mr. Nitu Chandra Deb, R/o- Vill and P.O. Mahishasan, P.S.- Sribhumi

(Karimganj), Dist- Sribhumi, Assam, Pin- 788781.

.....Petitioner

-**VERSUS**-

1. The State of Assam, represented by the Commissioner and Secretary to the Government of Assam, Medical Education Department, Dispur, Guwahati – 781006.

2. The Director of Medical Education, Assam, Office of the Director of Medical Education, Sixmile, Khanapara, Guwahati, Assam.

3. The National Medical Commission, represented by its Chairman, H3GG Plus 9PC, Dada Dev Mandir Road, Block-P, Sector 8, Dwarka, New Delhi, Pin- 110077.

.....**Respondents**

BEFORE
HON'BLE MR. JUSTICE MANISH CHOUDHURY

Advocates :

Advocate for the Petitioner no. 1 [W.P.(C) no. 4963/2026]	:	Mr. D. Gogoi, Advocate
Advocate for the Petitioner no. 2 [W.P.(C) no. 5160/2026]	:	Mr. A.H.M.R. Choudhury, Advocate
Advocate for the Petitioner no. 3 [W.P.(C) no. 5429/2026]	:	Mr. I.H. Saikia, Advocate

Advocate for the Respondents	:	Mr. D.P. Borah, Standing Counsel, Health & Family Welfare Department, GoA.
	:	Mr. D. Baisya, Standing Counsel, National Medical Commission [NMC]
Date of hearing	:	05.11.2026
Date of pronouncement of judgment	:	05.11.2026
Whether the pronouncement is of the Operative part of the judgment ?	:	No
Whether the full judgment has been Pronounced ?	:	Yes

JUDGMENT & ORDER [ORAL]

1. All the three writ petitions, preferred under Article 226 of the Constitution of India, are against denial of admission of the three petitioners into first year MBBS/BDS courses in Government Medical & Dental Colleges of Assam after completion of 1st Round of Online Counseling, Session : 2026.

2. As all the writ petitions involve more or less similar issues, that is, the eligibility of the petitioners to get admission in the first year in the MBBS Course in the Government Medical Colleges of Assam under PWD Category [DIVYANG] on the basis of scores they have secured in the National Eligibility-cum-Entrance Test [UG] – 2026 [the NEET 2026], the three writ petitions are tagged together.

3. Rule issued. As the necessary pleadings of the parties have been brought on record and the learned counsel for the parties have expressed urgency in view of an Educational Notice dated 03.11.2026 of the Directorate of Medical

Education, Assam, making the rule returnable forthwith, the writ petitions are taken up for final consideration.

4. By the Educational Notice dated 03.11.2026, it has been notified that in pursuance of new schedule published by the Government of India, Special Stray round Online Counseling for vacant MBBS seats in the Government Medical Colleges of Assam for the Sessions 2026 under the State quota is going to be held under the Directorate of Medical Education, Assam. The candidates who have qualified in the NEET [UG] – 2026 conducted by the National Testing Agency [NTA] are required to participate in the online counseling provided they fulfill all eligibility criteria mentioned in the Medical Colleges and Dental Colleges of Assam [Regulation of Admission into 1st year MBBS / BDS course] Rules 2017, as amended up to 2026 [2017 Rules, for short] as well as meet the cut-off scores in NEET [UG]-2026. It is mentioned in the Educational Notice that Online portal for counseling would be available for registration on 04.11.2026 and after completion of online registration process, online filling of choice would be available on 05.11.2026. Locking of choice would be available on 05.11.2026, after which the choice would be locked automatically. The process of seat allotment would be completed on 06.11.2026 and after processing of the data, the results would be displayed along with modalities of admission on 07.11.2026.

5. Before adverting to the issues involved in this writ petition, it is necessary to narrate the background facts as regards the three petitioners which have led them to prefer the present three writ petitions.

6. For ease of reference, the writ petitioner in W.P.[C] no. 4963/2026 is referred hereinafter as 'the petitioner no. 1' and the writ petitioner in W.P.[C] no. 5160/2026 is referred hereinafter as 'the petitioner no. 2'. The writ petitioner in W.P.[C] no. 5429/2026 is preferred hereinafter as the petitioner no. 3.

7. All the three petitioners have appeared in the NEET [UG]-2026 on 21.06.2026 with Assam as their State of eligibility. The category in which all the three writ petitioners have applied for getting admission into the first year of MBBS course is 'Persons with Bench Mark Disability [PwBD]' with disability of 40% or above. The type of PwBD disability of the petitioner no. 1 and the petitioner no. 2 is of low vision. The disability suffers by the petitioner no. 3 is speech and language disability.

8. The statutory framework for providing reservation in all educational institutions funded or recognized by the State Government finds place in the Rights of Persons with Disabilities Act, 2016 ['the PwD Act', for short]. Section 2[s] of the PwD Act has prescribed that a 'person with disability' means a person with long term physical, mental, intellectual or sensory impairment which, in interaction with barriers, hinders his full and effective participation in society equally with others. Section 2[r] has provided for the definition of 'Person with Benchmark Disability' [PwBD] and it means a person with not less than forty per cent of a specified disability where specified disability has not been defined in measurable terms and includes a person with disability where specified disability has been defined in measurable terms, as certified by the certifying authority. Certifying authority means authority designated under Section 57[1].

8.1. Section 16 has inter alia provided that the appropriate Government and the local authorities shall endeavour that all educational institutions funded or recognised by them provide inclusive education to the children with disabilities and towards that end shall admit them without discrimination and provide education and reasonable accommodation according to individual requirements. As per Section 2[y], 'Reasonable accommodation' means necessary and appropriate modification and adjustments, without imposing a disproportionate or undue burden in a particular case, to ensure to persons with disabilities the enjoyment or exercise of rights equally with others.

9. In the NEET [UG]-2026, the petitioner no. 1 who had applied in Gen-EWS & PwBD category, scored 242 marks out of 720. By an Admission Notice dated 02.09.2026, the details of which would be adverted to later on, the petitioner no. 1 was included in the provisional select list for admission into first year of the MBBS Course, Session – 2026 in Tezpur Medical College, Tezpur. The petitioner no. 1 was issued a Disability Certificate with UDID no. AS2910320090002549 on 03.03.2025 by the Department of Empowerment of Persons with Disabilities, Ministry of Social Justice and Empowerment, Government of India [GoI] recording that the petitioner no. 1 has low vision in both eyes and has 40% disability and the disability is permanent as per the governing guidelines notified by the Government of India under the PwD Act.

10. To appear in the NEET [UG]-2026, the petitioner no. 2 had applied in the Gen-PwBD category. In the NEET [UG] – 2026, the petitioner no. 2 scored 228 marks out of 720. The petitioner no. 2 was included in the provisional select list for admission into first year MBBS Course, Session 2026 in Dhubri Medical College. The petitioner no. 2 was issued a Disability Certificate with Certificate no. AS1810020050077829 on 15.02.2024 by the Department of Empowerment of Persons with Disabilities, Ministry of Social Justice and Empowerment, GoI recording that the petitioner no. 2 has low vision in both eyes and she suffers from Albinism Nystagmus and has 40% permanent disability in relation to both eyes as per the governing guidelines notified by the Government of India under the 2016 Act.

11. To appear in the NEET [UG]-2026, the petitioner no. 3 had applied in the Gen-PwBD category. He scored 219 marks out of 720 in the NEET [UG] – 2026. The petitioner no. 3 was included in the provisional merit list for admission into first year of the MBBS Course, Session 2026 in Bongaigaon Medical College. The petitioner no. 3 was issued a Disability Certificate with Certificate no. AS1811520050090283 on 14.06.2023 by the Department of Empowerment of Persons with Disabilities, Ministry of Social Justice and Empowerment, GoI recording that the petitioner no. 3 has speech and language disability and as

per the diagnosis, the petitioner no. 3 suffers from disorder of 'speech & amp;amp; language' and has 54% permanent disability in relation to her mouth as per the governing guidelines notified by the Government of India under the 2016 Act.

12. The Admission Notice dated 02.09.2026, referred above, was for admission into the first year of the MBBS/BDS courses in Government Medical & Dental Colleges of Assam after completion of 1st Round of Online Counseling, Session : 2026.

13. By the Admission Notice, it was informed that the provisional select list of candidates after the first round of online counseling for admission into the first year of the MBBS/BDS courses, Session : 2026 in the Government Medical & Dental Colleges of Assam under Assam State quota seats had been published and the same was made available in the official website of the Directorate of Medical Education, Assam. All candidates who were provisionally selected under PwD category [DIVYANG] were permitted to report with all their relevant certificates in original at the office of the Principal cum Chief Superintendent, Gauhati Medical College & Hospital [GMCH, Guwahati for verification of their disability status by the Medical Board on 03.09.2026 and 04.09.2026, failing which, his / her allotment would be cancelled. It was further notified that all provisionally selected candidates were to report to the office of the Principal of the respective Medical Colleges as per the terms and conditions stated therein for admission on 04.09.2026 and 05.09.2026, failing which his/her allotment was to be cancelled.

14. It is the common case of all the three petitioners that subsequent to the Admission Notice dated 02.09.2026, all of them reported at the GMCH either on 03.09.2026 or on 04.09.2026. To be specific, the petitioner no. 1 reported at the GMCH on 03.09.2026 and had undergone the process before the Medical Assessment Board at the GMCH on 03.09.2026. Both the petitioner no. 2 and

petitioner no. 3 reported at the GMCH on 04.09.2026 and have undergone the process before the Medical Assessment Board at the GMCH on 04.09.2026.

15. I have heard Mr. D. Gogoi, learned counsel for the petitioner no. 1; Mr. A.H.M.R. Choudhury, learned counsel for the petitioner no. 2; and Mr. I.H. Saikia, learned counsel for the petitioner no. 3. I have also heard Mr. D.P. Bora, learned Standing Counsel, Health & Family Welfare Department, Government of Assam for the State respondents and Mr. D. Baidya, learned Standing Counsel, National Medical Commission [NMC].

16. It is the common contention of the learned counsel appearing for the petitioners that after their appearance before the Medical Assessment Board at the GMCH either on 03.09.2026 or n 04.09.2026 they were not served with the findings recorded by the Medical Assessment Board. It is submitted that after appearance before the Medical Assessment Board, they were only informed verbally that they were not found eligible to get admission in the State Medical Colleges as candidates under the PwBD category.

17. Mr. Gogoi, learned counsel appearing for the petitioner no. 1 has contended that as the petitioner no. 1 was not provided with the findings recorded by the Medical Assessment Board either on the date of his appearance or subsequent thereto, the petitioner no. 1 being in dark, was prevented from filing an appeal against the decision of the Medical Assessment Board as per the appellate mechanism provided in Clause 13 of the Guidelines on Assessment of Persons with Benchmark Disabilities [PwBD] for Admission to the MBBS Course, 2026 ['the Guidelines, 2026', for short]. He has submitted that when he was not given admission by the authorities in the Tezpur Medical College which he visited along with all the testimonials after 03.09.2026 and also, not provided with the findings recorded by the Medical Assessment Board, the petitioner no. 1 had to prefer the writ petition on 08.09.2026. He has submitted that initially, the case of the petitioner no. 1 was resisted on the ground that the petitioner no. 1 belongs to PwBD category with a visual disability percentage of 40% and

as per NMC Guidelines/Notifications, a person with visual disability having disability percentage of 40% and above cannot be permitted for admission in a State Medical College. Mr. Gogoi has contended that such resistance was based on the basis of the Regulations on Graduate Medical Education [Amendment] 2019 ['the Regulation 2019', for short]. He has contended that in the course of deliberation, it was brought to the notice that it was not the Regulation 2019, which could be made applicable to the case of the petitioner no. 1. But for admission on the basis of NEET [UG] – 2026, the provisions of the Guidelines, 2026, which have been notified on 27.07.2026, are to be made applicable. He has further contended that the Medical Assessment Board requires to follow the Guidelines, 2026 and in the process of assessment, the Medical Assessment Board shall have to examine essential competence, functional competence and reasonable accommodation to arrive at the ultimate decision as to whether the candidate seeking admission into the MBBS course under PwBD category has the capacity to undergo the MBBS course or not. According to him, the assessment done by the Medical Assessment Board in the case of the petitioner no. 1 falls short of the requirements laid down in the Guidelines, 2026.

18. Mr. Choudhury, learned counsel appearing for the petitioner no. 2, apart from adopting the common aspects highlighted by Mr. Gogoi, has submitted that pursuant to a Notice dated 30.07.2026 of the Medical Counseling Committee [MCC], Directorate General of Health Services [DGHS], Government of India [GoI], the petitioner no. 2 appeared before the Silchar Medical College and Hospital [SMCH] on 01.09.2026. Referring to the Eligibility Certificate issued by the Medical Assessment Board of the SMCH, it is contended that the petitioner no. 2 was found eligible with reasonable accommodation by the Medical Assessment Board at the SMCH, as per the Eligibility Certificate issued on 01.09.2026. He has contended that the Medical Assessment Board of the SMCH is one of the Medical Assessment Board accredited by the MCC, DGSH, GoI vide the Notice dated 30.07.2026. He has pointed out that subsequent to the Admission Notice dated 02.09.2026, the petitioner again appeared before the Medical Assessment Board at the GMCH on 04.09.2026. But surprisingly, in the

Eligibility Certificate issued by the Medical Assessment Board of the GMCH on 05.09.2026, the petitioner no. 2 has been declared ineligible. Therefore, there are two contradictory findings recording eligibility or ineligibility as regards the petitioner no. 2 for getting admission in the first year of the MBBS course. As a result of the subsequent findings and decision recorded by the Medical Assessment Board at the GMCH, the petitioner no. 2 has been arbitrarily denied admission into Dhubri Medical College. As the findings recorded by the Medical Assessment Board at the SMCH was earlier to the findings recorded by the Medical Assessment Board at the GMCH, the findings and the decision recorded by the Medical Assessment Board at the SMCH should prevail and a direction is clearly called for the admission of the petitioner no. 2 in the State Medical College, more particularly, Dhubri Medical College.

19. Mr. Saikia, learned counsel appearing for the petitioner no. 3 has submitted that pursuant to the Admission Notice dated 02.09.2026, the petitioner no. 3 appeared before the Medical Assessment Board at the GMCH on 04.09.2026. Mr. Saikia has reiterated that the petitioner no. 3 was informed about the adverse decision taken against the petitioner only, and the findings recorded by the Medical Assessment Board, in writing, were not provided to the petitioner no. 3. Mr. Saikia has pointed out that the petitioner no. 3 had again appeared before the Medical Assessment Board at the SMCH on 08.09.2026 and as per the findings recorded by the Medical Assessment Board at the SMCH, the petitioner no. 3 has been found eligible for admission into the MBBS Course with reasonable accommodation.

20. It is the common contention of the learned counsel for the petitioners that the findings recorded by the Medical Assessment Board at the GMCH after assessment of liability of the petitioners on their appearance on 26.10.2026 cannot be made a basis for denial of admission to the petitioners. According to them, such assessment by the Medical Assessment Board at the GMCH on 26.10.2026 is not envisaged in the Guidelines, 2026. The findings recorded regarding eligibility of the petitioners for admission into the first year of the the

MBBS Course, either with or without reasonable accommodation, should prevail for the purpose of considering their cases and therefore, the act of denying the admission to the petitioners into the MBBS Course in the State Medical Colleges under the State Quota is clearly arbitrary and illegal and not in conformity with the Guidelines 2026.

21. Mr. Baidya, learned counsel appearing for the NMC has submitted that when an issue cropped up regarding the applicable regulation/guidelines for admission into the MBBS Courses on the basis of scores recorded in the NEET [UG] – 2026 for candidates applying under the PwBD Category, an affidavit has been filed clarifying the position. He has submitted that the Guidelines on assessment of 'Persons with Benchmark Disabilities [PwBD]' for admission into the MBBS Course 2026, notified on 27.07.2026, have been made applicable for admission on the basis of scores obtained in the NEET [UG] – 2026. He has submitted that the Guidelines, 2026 have prescribed for a uniform, competency based and function oriented framework for assessment of PwBD candidates seeking admission to the MBBS Course.

22. Mr. Borah, learned Standing Counsel, Health & Family Welfare Department, Government of Assam appearing for the State respondents has submitted that the Notice dated 30.07.2026 of the MCC, DGHS, GoI was a general notice meant for admission of candidates from the PwBD category in all the Medical Colleges across India inclusive of the Central quota and State quota. Pursuant to the Notice dated 30.07.2026, the State Government had issued the Admission Notice on 02.09.2026 for the specific purpose of admission into 1st year of the MBBS Course for Session : 2026 in the Government Medical Colleges under the Assam State Quota. Therefore, the candidates applying under the PwBD category were required to report to the specifically designated Medical Assessment Board, notified therein, that is, the Medical Assessment Board at the GMCH, Guwahati. He has contended that it is only the findings recorded by the designated Medical Assessment Board at the GMCH which are relevant, and not the findings of any other Medical Assessment Board, as mentioned in the

Notice dated 30.07.2026 in view of Clause 6 therein. Therefore, the claims of the petitioner no. 2 and the petitioner no. 3 based on the findings recorded by the Medical Assessment Board at the SMCH are not relevant at all. He has further submitted that it was during the pendency of the three writ petitions, the State respondents had suggested and apprised to the court, they were agreeable to carry out fresh assessment of the disability of all the three petitioners and the date, 26.10.2026 was fixed for the said purpose. All the three petitioners had appeared before the Medical Assessment Board at the GMCH again on 26.10.2026. Mr. Borah has contended that after appearance before the designated Medical Assessment Board on 26.10.2026, it would not be open for the petitioners to contend that the findings recorded by the Medical Assessment Board at the GMCH after assessment on 26.10.2026 would not be valid. He has submitted that the findings recorded by the Medical Assessment Board at the GMCH after assessment of disability of the petitioners on 26.10.2026 are in conformity with the findings recorded by the Medical Assessment Board at the GMCH. Therefore, no exception is called for. He has submitted that the assessments carried out at the first instance and also, at the second instance by the Designated Medical Assessment Board are strictly in adherence to the Guidelines 2026 and the Designated Medical Assessment Board consisted of seven experts. He has also submitted that all the aspects including essential competencies, functional competencies and reasonable accommodation were taken into consideration by the Designated Medical Assessment Board at the GMCH and such findings, assessments and decisions are of a body of domain experts, do not call for any interference unless any exceptional cases are made out, which are not the cases in these three cases.

23. I have duly considered the submissions of the learned counsel appearing for the parties and I have also gone through the materials brought on record by the parties through their pleadings. I have also considered the provisions under the contents of 'the Guidelines regarding admission of students with 'specified disabilities' under the RPWD Act with respect to admission in MBBS Course', as amended by 'the Regulations on Graduate Medical Admission [Amendment],

2019' and 'the Guidelines on assessment of Persons with Benchmark Disabilities [PwBD] for admission to the MBBS Course [Amendment], 2026'.

24. The permanent disability suffered by the three petitioners herein, as recorded in the Disability Certificates issued by the Ministry of Social Justice and Empowerment, Government of India have also already mentioned hereinabove.

25. Section 32 of the RPWD Act 2016 has been prescribed for reservation in Higher Educational Institutions. As per Section 32[1], all Government Institutions of Higher Education and other Higher Education Institutions receiving aid from the Government shall reserve not less than 5% seats for PwBDs. It is not the case of the parties that no provision has been made for 5% reservation in the State Medical Colleges of Assam to any lesser extent than 5%.

26. Before making a reference to the Guidelines 2026, it is apposite to refer to the Guidelines regarding admission of students with specified disabilities under the RPWD Act, 2016 with respect to admissions in MBBS, as amended by 'the Regulations on Graduate Medical Education [Amendment], 2019'. It was mentioned that the Certificate of Disability shall be issued in accordance with the RPWD Rules, 2017 notified in the Gazette of India by the Ministry of Social Justice and Empowerment, GoI. However, the extent of specified disability in a person shall be assessed in accordance with the Guidelines for the purpose of assessing the extent of specified disability in a person included under the RPWD Act, 2016 notified in the Gazette of India by the Ministry of Social Justice and Empowerment. The minimum degree of disability should be 40% [benchmark disability] in order to be eligible for availing reservation for persons with specified disability.

26.1. In the said Guidelines/Regulation – 2019, it was inter-alia mentioned as under :-

Sl.	Disability	Type of	Specified	Disability Range

No.	Type	Disabilities	Disability			
				Eligibility for Medical Courses Not Eligible for PwD Quota	Eligible for Medical Course Eligible for PwD Quota	Not Eligible for Medical Course
1.	Physical Disability	B. Visual Impairment (*)	a. Blindness b. Low vision	Less than 40% disability (i.e. Category 0 (10%), I (20%) & II (30%)		Equal To Or More Than 40% Disability (I.E. Category III and above)
		D. Speech & language disabilities	Organic/neurological courses	Less than 40%		Equal to or more than 40% Disability

27. In a Judgment dated 15.10.2020, delivered in the case of **Omkar Ramchandra Gond vs. Union of India, [2024] 14 SCC 158**, the Hon'ble Supreme Court of India gave a direction to the National Medical Commission [NMC] to issue revised regulations and guidelines in supersession of the Guidelines of 2019 with regard to admission of students with specified disabilities under the RPwD Act with respect to the MBBS Course. The NMC was also directed to constitute a new committee of domain experts. A further observation was made to the effect that the communication of the Ministry of Social Justice and Empowerment dated 25.01.2024 should also be taken into consideration.

28. On 27.07.2026, the NMC in exercise of the powers conferred by Section 10 and Section 24 read with Section 57 of the National Medical Commission Act, 2019, has issued the Guidelines, that is, 'the Guidelines on assessment of Persons with Benchmark Disabilities [PwBD] for admission to the MBBS Course, 2026'

['the Guidelines, 2026] and the Guidelines have been made to come into force on the date of its publication by the NMC.

29. As per the objectives of the Guidelines, 2026, competency based and function oriented assessment framework have been put into place whereby the determination of eligibility shall not rest solely upon the numerical percentage or category of disability reflected in the UDID Card or other disability certification. While the benchmark disability prescribed under the RPwD Act, 2016 shall continue to determine the eligibility for reservation under the PwBD category, admission to MBBS Course shall be based upon an objective evaluation of the candidates functional competencies, with regard to reasonable accommodation, assertive technology, environmental accessibility and contemporary advances in rehabilitation science.

29.1. The Guidelines, 2026 have prescribed for a designated Medical Assessment Board for admission to the MBBS Course which would issue eligibility certificates certifying the candidate's eligibility or otherwise for admission to the MBBS Course based on functional assessments, rather than merely certifying the existence or extent of disability. It is the function and responsibility of the NMC to prescribe Competency Based Medical Education [CBME] curriculam. The definitions of 'competency', 'essential competencies' and 'functional competency' have been provided in the Guidelines, 2026. As per Clause 3.18 of the Guidelines, 2026, 'reasonable accommodation' shall have the same meaning as assigned to under Section 2[y] of the RPwD Act, 2016.

29.2. The principles governing determination of eligibility have been set forth in Clause 11.2 of the Guidelines and a designated Medical Assessment Board is required to discharge its function fairly, objectively, transparently while assessing the eligibility of a candidate under the Guidelines, 2026. The Medical Assessment Board is required to verify and evaluate inter-alia the Permanent Unique Disability Identity [UDID] Card issued by the competent authority under the Department of Empowerment of Persons with Disabilities [DIVYANG],

Ministry of Social Justice and Empowerment, GoI; the nature, extent and stability of the specified disability and the underlying medical condition; the candidate's functional abilities in relation to the essential competencies prescribed under the Competency Based Medical Education [CBME] curriculum; the suitability and effectiveness of any assistive device, assistive technology or adaptive aid used by the candidate; the feasibility of providing reasonable accommodation to facilitate acquisition of the prescribed competencies; the impact, if any, of the disability upon patient safety; and such other clinical, functional or educational factors as may be relevant for determining the candidate's eligibility under these Guidelines.

30. Clause 12.6 of the Guidelines, 2026 has laid down to the effect that the Medical Assessment Board shall issued an Eligibility Certificate, in the format specified in the Schedule–II, certifying whether the candidate is [i] Eligible; [ii] Eligible with Reasonable Accommodation, specifying the accommodation[s] recommended; or [iii] Ineligible, together with the reasons recorded in accordance with Clause 12.4. Clause 12.4 has mentioned that a candidate shall be declared ineligible only where the Medical Assessment Board, after due consideration of reasonable accommodation and assistive technology, records, by a reasoned and speaking order, that the candidate is unable to acquire the essential competencies prescribed under the Competency Based medical Education [CBME] curriculum or that the disability would pose a demonstrable and unacceptable risk to patient safely which cannot be mitigated through reasonable accommodation.

31. It is evident from the materials on record that all the three petitioners are vying for seats in the 1st year of the MBBS Course in the State Quota in the State Government Medical College. The same is evident from the provisional selection list of candidates [Round-1] for Assam State Quota wherein the names of the three petitioners have appeared in Assam NEET [UG] – 2026. The same is relied on by all the three petitioners. At the cost of repetition, it is reiterated that the petitioner no. 1, the petitioner no. 2 and the petitioner no. 3 were

provisionally selected for admission under the PwD category in Tezpur Medical College, Dhubri Medical College and Bongaigaon Medical College respectively.

32. In the Notice dated 30.07.2026, issued by the MCC, DGHS, GoI, it was mentioned that in view of the Guidelines, 2026, the candidates applying under the PwBD category were to obtain Eligibility Certificates for the purpose of NEET [UG] Counseling – 2026 from the Medical Assessment Board of the MCC. In the list enclosed as Annexure-1 thereto, the MCC listed the Medical Assessment Boards wherefrom Eligibility Certificates were to be obtained by the candidates applying under the PwBD Category for admission into the MBBS Course. In the list provided in the Annexure-1, Assam Medical College, Dibrugarh; Gauhati Medical College, Guwahati; and Silchar Medical College, Silchar were included. It has been made specific in Clause 6 of the Notice dated 30.07.2026 that the candidates who wish to avail PwBD seat under 85% State Quota, have to visit the State Medical Assessment Board for obtaining Eligibility Certificate and the evaluation by the State Medical Assessment Board were to be conducted as per the Guidelines, 2026. It is in the above context, the Admission Notice dated 02.09.2026 is required to be examined.

33. It has been made specific in the Admission Notice dated 02.09.2026 for the candidates that the provisional select list of candidates after the first round of counseling for admission into the first year of the MBBS Course for Session : 2026 in the Government Medical Colleges of Assam under the State Quota had already been published and all candidates provisionally selected under the PwBD Category [DIVYANG] were required to report with all their relevant certificates in original at the office of the Principal-cum-Chief Superintendent, GMCH, Guwahati for verification of their disability status by the designated Medical Assessment Board at the GMCH on 03.09.2026 and 04.09.2026. It is only after verification of the disability status claiming admission under the PwBD Category by the designated Medical Assessment Board at the GMCH, the provisionally selected candidates would be required to report at the office of the Principals of the respective State Medical Colleges wherein the candidates

claiming admission under the PwBD Category like the three petitioners herein. Meaning thereby, the candidates claiming admission into the first year of the MBBS Course in the Government Medical Colleges of Assam under the Assam State Quota had to be reported at the designated Medical Assessment Board constituted at the GMCH and not to any other Medical Assessment Board, listed in Annexure-1 to the Notice dated 30.07.2026, notified by the MCC, DGHS, GoI.

34. In the above view of the matter, the claims of the petitioner no. 2 and the petitioner no. 3 made on the basis of Eligibility Certificates issued by the Medical Assessment Board at the SMCH are found to be ones, which are not to be taken into consideration in view of the specific condition laid down in the Admission Notice dated 02.09.2026. It is the Eligibility Certificate issued only by the designated Medical Assessment Board at the GMCH before which the petitioner no. 2 appeared on 04.09.2026 and the petitioner no. 3 appeared on 04.09.2026, which are to be taken into consideration for the purpose of considering their eligibility of admission into the State Medical Colleges under 85% State Quota wherein they were provisionally selected. In so far as the petitioner no. 3 is concerned, after undergoing the assessment process before the designated Medical Assessment Board at the GMCH on 04.09.2026, it does not emerge from the official documents on record as to why the petitioner no. 3 again appeared before the Medical Assessment Board at the SMCH on 08.09.2026, though the reason for her appearance has been made in the pleadings. The reasons recorded in respect of the petitioner no. 1 and the petitioner no. 2 as to why the assessment made by the Medical Assessment Board at the SMCH, although accredited by the MCC, cannot be taken into consideration apply on all fours also in the case of the petitioner no. 3.

35. One common plea has been advanced by all the three petitioners that after their appearance and assessment by the designated Medical Assessment Board at the GMCH, they were not provided with the findings in writing by the designated Medical Assessment Board immediately thereafter. Thereby, they

were prevented unjustly from taking recourse by the appellate mechanism provided in Clause 13 of the Guidelines 2026.

36. In the Admission Notice dated 02.09.2026, It was made clear that the assessment of disability would be carried out by the designated Medical Assessment Board at the GMCH on 03.09.2026 and 04.09.2026 and thereafter the provisionally selected candidates would be required to report before the concerned Medical Colleges wherein their names had already been shortlisted. Therefore, it is clear that when the petitioners were not allowed to take admission either on 04.09.2026 or on 05.09.2026 in terms of the Admission Notice dated 02.09.2026 after being informed by the designated Medical Assessment Board at the GMCH that they were not found eligible, the petitioners could have easily invoked the appellate mechanism as per Clause 13.1 of the Guidelines, 2026. Thereafter, it has been provided therein that any candidate aggrieved by the findings or decision of the designated Medical Assessment Board could prefer an appeal before the appellate authority constituted by the Directorate General of Health Sciences [DGHS], Ministry of Health and Family Welfare, GoI within such time and in such manner as notified the MCC from time to time.

37. A plea is taken by the petitioner no. 3 that the petitioner no. 3 had preferred an appeal. However, from the memo of appeal, purported to have been filed by the petitioner no. 3, it is noticed that the appeal was preferred by the petitioner no. 3 before the Department of Administrative Reforms and Public Grievances, GoI, which is not an appellate authority in terms of the Guidelines, 2026.

38. A contention is advanced during the course of the proceedings of the present three writ petitions that the Eligibility Certificates issued to the petitioners, allegedly much belatedly, after their assessment of disability on 03.09.2026 or 04.09.2026, were in not in accordance with the Guidelines-2026. It is a contention that the designated Medical Assessment Board did not consider the competencies, on case to case basis, as prescribed under the CBME Curriculum.

In view of advancing such a plea, it was suggested by the State respondents that they were agreeable to appearance of the petitioners before the designated Medical Assessment Board at the GMCH and to review the findings available with regard to the petitioners in respect of the functional competencies strictly in adherence of the Guidelines-2026. It was submitted on behalf of the State respondents that in the event the Medical Assessment Board finds that the order regarding eligibility or otherwise of the petitioners could be reviewed, then consequent orders would be passed.

39. Upon taking such suggestion, the petitioners were informed by the State respondents that the designated Medical Assessment Board would sit again on 26.10.2026 and the petitioners, if they want to get the earlier assessment of disability re-assessed by the designated Medical Assessment Board, they could appear before the designated Medical Assessment Board at the GMCH on 26.10.2026. It was in response to such notice, all the three petitioners appeared before the designated Medical Assessment Board at the GMCH on 26.10.2026.

40. The State respondents by way of affidavits have brought the findings recorded by the designated Medical Assessment Board after assessment of disability of the petitioners on 26.10.2026. The designated Medical Assessment Board comprised of specialists from the concerned departments, that is, [i] HOD of Orthopaedics, GMC&H, Guwahati; [ii] HOD of Psychiatry, GMC&H, Guwahati; [iii] HOD of Neurology, GMC&H, Guwahati; [iv] HOD of Ophthalmology, GMC&H, Guwahati; [v] HOD of ENT, GMC&H, Guwahati; [vi] HOD of Hematology, GMC&H, Guwahati; and [vii] HOD of PMR [Physical Medicine and Rehabilitation].

41. The findings recorded by the designated Medical Assessment Board at the GMCH after assessment of disability of the three petitioners need a mention.

42. The findings recorded as regards the petitioner no. 1 are to the effect that he has 'Compound Myopic Astigmatism with Ambyopia both eye'. His disability is visual disability with 40% benchmark disability. After making assessment by the designated Medical Assessment Board, more particularly, by an Eye Specialist with calculations, the designated Medical Assessment Board on patient safety assessment has recorded a finding that there is demonstrable risk to patient safety, as per the CBME Curriculum. The Board has reached a finding that the petitioner no. 1 cannot perform functional competence required under the CBME Curriculum. It is also recorded that the petitioner no. 1 is not capable of acquiring the essential competencies prescribed under the CBME Curriculum despite consideration of reasonable accommodation. It has been recorded that there is visual acuity with or without spectacle. With such findings, the designated Medical Assessment Board in its Eligibility Certificate issued in terms of Clause 12.6 of the Guidelines, 2026 has declared the petitioner as ineligible.

43. In respect of the petitioner no. 2, who also suffers visual disability like the petitioner no. 1, the designated Medical Assessment Board has recorded in its findings that petitioner no. 2 has 'Ocular Albinism + Nystagmus both eyes'. It is recorded that the petitioner no. 2 cannot perform functional competencies required under the CBME Curriculum. On patient safety assessment, the Board has recorded that there is demonstrable risk to patient safety in terms of the CBME Curriculum. Before arriving at such findings, the assessments were made with certain calculations and an assessment sheet, wherein the details were explained through diagrams. It has been recorded that there is visual acuity with or without spectacle.

44. A speech assessment was done in the case of the petitioner no. 3. According to the Speech Intelligibility Test, the score is 4. The petitioner no. 3's speech disability percentage is 55%. The disability has been assessed as C.A.P.E. V [OVCA Score], where the petitioner no. 3 scored 4 [four]. It is found recorded that the petitioner no. 3 cannot perform functional competencies required under the CBME Curriculum and is in need of regular speech therapy. In the

Eligibility Certificate issues as per Clause 12.6 of the Guidelines, 2026, the designated Medical Assessment Board has recorded that as per medical diagnosis, the petitioner no. 3 has 'Repaired Cleft Lip and Palate' and thus, the petitioner no. 3 cannot perform functional competencies required under the CBME Curriculum. On assessment of ability to complete the MBBS course, the Medical Assessment Board has recorded that the petitioner no. 3 is not capable of acquiring the essential competencies prescribed under the CBME Curriculum despite consideration of reasonable accommodation as the petitioner no. 3 cannot perform functional competencies required under the CBME Curriculum and is in need of regular speech therapy. On patient safety assessment, the Board has recorded there is demonstrable risk to patient safety as per CBME Curriculum.

45. It is contended on behalf of the petitioners that the designated Medical Assessment Board did not consider the aspect of accommodation. But, from a reading of Clause 12.6, it is discernible that when after assessment of disability, the Medical Assessment Board places the candidate in the ineligible category, there is no scope for making him eligible with reasonable accommodation.

46. In **Omkar Ramchandra Gond vs. Union of India and others, [2024] 14 SCC 158**, the Hon'ble Supreme Court has observed that the Disability Assessment Boards are inter-alia obliged to examine whether the candidate in the opinion of the experts in the field is eligible to pursue the course or in other words, whether the disability will or will not come in the way of the candidates pursuing the course in question.

47. The Hon'ble Supreme Court in **Om Rathod vs. Director General of Health Services and others, [2024] 10 SCR 2187 : 2024 INSC 836**, has gone into the aspect of requirement of assessing the disability aspect on a wholesome basis. It has been observed that the medical model of disability apparent in the phrase must give way to a social model of disability which takes into account the variety of experiences and outcomes which persons with disabilities have

when they interact with different kinds of societies and accommodations. The requirement of assessing the functional competence of a medical aspirant must be done on a case to case basis. For example, for a proper realization of reasonable accommodation, a person with disability must be identified using the correct parameters and thereafter, the accommodations necessary have to be determined on a case to case basis.

48. It has been observed in **Om Rathod** [supra] and also reiterated in **Anmol vs. Union of India and others, [2025] 2 SCR 1142**, that the key question for a Disability Assessment Board is whether an individual with a disability, aided by modern scientific tools and devices can enter into the MBBS program. Put differently, the Disability Assessment Board must assess whether it is unfeasible for the candidates to pursue a medical career with their disabilities. It has been held that the courts are not expert bodies in matters of medicine. The competent authority to adjudge the eligibility of a person to pursue a medical course is the Disability Assessment Board. The courts have, however, the jurisdiction to ensure that the manner in which the Board proceeds and functions is in compliance with the established principles of law. But, ultimately, the court will have to rely on the opinion of the Board to adjudicate the legal remedies of a person with disability. The interference of courts is not to supplant its opinions for that of the experts but to ensure that a holistic evaluation of competence is conducted and that no person's career is set at naught with the stroke of a pen.

49. From the discussion made above, it is discernible that all the three petitioners have undergone the assessment process before the designated Medical Assessment Board at the GMCH on two occasions. The designated Medical Assessment Board is found to have reached the same finding as regards the ineligibility of the all the three petitioners to enter into the MBBS programme. From the materials brought on record, specifically with regard to the assessment for disability undertaken by the designated Medical Assessment Board on 26.10.2026, it transpires that the petitioners were assessed as

regards their eligibility or otherwise in reference to the CBME Curriculum and from the standpoints of assessment of ability to complete the MBBS Course, patient safety assessment, assessment of reasonable accommodation, etc. to arrive at the final determination regarding eligibility or ineligibility or eligibility with reasonable accommodation.

50. This Court is conscious of the fact that the assessments of disability of the petitioners were made, on both the occasions by an expert body consisting of seven experts, as mentioned hereinabove. In the absence of any specific domain knowledge on such aspects, this Court finds no reason, much less sufficient reason, to have any divergent view from the assessment made as regards eligibility or otherwise of the petitioners by the designated Medical Assessment Board.

51. In view of the observations made, reasons assigned and the findings reached, this Court is of the considered view that the petitioners have not been able to made out a case for any interference in so far as the Eligibility Certificates issued by the designated Medical Assessment Board under Clause 12.6 of the Guidelines, 2026. As the petitioners have been declared ineligible in the Eligibility Certificates, the writ petitions are found to be devoid of merit. Consequently, the writ petitions are liable to be dismissed. Accordingly, they are dismissed. The interim order[s] passed earlier stand vacated. There shall, however, be no order as to cost.

Ananta Konwar
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JUDGE

Comparing Assistant