IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

Present :- Hon'ble Justice Amrita Sinha

WPA No. 28234 of 2026
Md. Humayun Mazhar
-vs-
Union of India & Ors.

For the writ petitioner : Mr. Siddhartha Goswami, adv.
Ms. Upasana Shaw, adv.

For Union of India : Mr. Falguni Bandyopadhyay, adv.

For National Medical Commission : Mr. Sunit Kumar Roy, adv.

Heard on : 01.10.2026.

Judgment on : 01.10.2026.

Amrita Sinha, J:

1. None appears for the National Medical Commission.

2. As per direction of the Court, Mr. Sunit Kumar Roy, learned advocate who is present in Court and usually appears on behalf of the National Medical Commission, has entered appearance on behalf of the Commission and made submission. The Commission is directed to regularise his engagement.

3. The petitioner participated in NEET (UG) 2026 Examination in the category of Persons with Benchmark Disabilities (PwBD). His all India NEET rank in the said category is 968.

4. In support of his benchmark disability, the petitioner relies on the Unique Disability ID issued by the competent authority on March 5, 2025

mentioning the petitioner's percentage of disability as 40 and the nature of disability as temporary valid till March 5, 2030. The petitioner is suffering from locomotor disability in the right elbow malunited with movement restriction mild.

5. As per the guidelines on assessment of persons with benchmark disabilities for admission to the MBBS course, 2026, a candidate is required to produce a disability certificate issued by the Medical Assessment Board. The candidate has to be functionally competent for being admitted in the said course.

6. The petitioner appeared before the Medical Assessment Board and on assessment the petitioner's percentage of benchmark disability has been reduced to 21 on 16th September 2026. Challenging the assessment of the Medical Assessment Board, the petitioner preferred an appeal before the Appellate Authority which re-assessed the disability of the petitioner and on 28th September 2026 concluded that the percentage of disability is 21 thus, rendering the petitioner ineligible for reservation for benchmark disability as per the latest notified guidelines.

7. Both the authority found that the candidate demonstrated functional competency. There is no requirement of providing assistive or other support means. He has the ability to successfully complete the MBBS course and acquire the prescribed competencies and he did not pose any risk to patient's safety.

8. The petitioner is aggrieved by the act of the Medical Assessment Board and the Appellate Authority in reassessing the quantum of his disability. It has been submitted that the Medical Assessment Board does not have the authority to re-assess the quantum of disability of a candidate. The Medical Assessment Board is only required to verify and evaluate the functional capability of the candidate to pursue the course.

9. In support of such submission, the guidelines published by the National Medical Commission have been relied upon.

10. Reliance has also been placed on the judgment delivered by the Hon'ble Supreme Court in the matter of **Om Rathod v. Director General of Health Services** reported in **2024 SCC OnLine SC 3130**.

11. Reliance has also been placed on the judgment passed by a Coordinate Bench of this Court in the matter of **Mitadru Sau v. State of West Bengal & Ors.** reported in **2024 SCC OnLine Cal 10317** wherein the Court, relying on Om Rathod (supra), was pleased to direct the respondent authorities to act in terms of the directions passed in the matter of Om Rathod (supra) and to treat the disability of the candidate as per the UDID card.

12. It has been submitted that the All India ranking of the petitioner in the PwBD category is such that he ought to get admission in a Government Medical College.

13. Learned advocate representing the respondent no. 1 submits that the petitioner ought to report before the Appellate Authority for assessing his

functionality to get admitted and to complete the subject course. It has been submitted that the Assessment Board ought to verify and evaluate the eligibility of the candidate in accordance with the guidelines published by the Commission. The nature and extent of the disability of the candidate has to be verified.

14. Upon hearing the submissions made on behalf of the parties and on perusal of the documents placed before this Court, it appears that the quantum of disability of the petitioner has already been ascertained and certified in the disability certificate issued by the Civi Surgeon, Civil Surgeon Officer, Sadar Hospital Campus, Katihar , Bihar – 854105 on March 5, 2025 in accordance with the provisions of the Rights of Persons with Disabilities Act, 2016.

15. The Unique Disability ID card has been issued by the authority under the Department of Empowerment of Persons with Disabilities, Ministry of Social Justice and Empowerment, Government of India. Relying on such Unique Disability ID card, the petitioner submitted the self-assessment certificate and declared himself to be eligible for reservation as a disabled candidate with benchmark disability.

16. The Medical Assessment Board re-assessed the quantum of disability of the candidate and reduced the percentage of the same. The assessment of the Medical Assessment Board was affirmed by the Appellate Authority and the disability of the petitioner was found to be only 21 percent making him ineligible to fall within the bracket of benchmark disability. On account of

reduction of the percentage of disability, the petitioner is unable to get the benefit of reservation under the category of benchmark disability.

17. As per Section 2(r) of the Rights of Persons with Disabilities Act, 2016, "person with benchmark disability" means a person with not less than forty percent 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.

18. The Unique ID for Persons with Disabilities project has been implemented to create a national database of Persons with Disabilities (PwDs) and issue a Unique Disability Identity Card (UDID) to each individual. The percentage of disability is determined upon assessment by competent authorities under the department of Empowerment of Persons with Disabilities, Ministry of Social Justice and Empowerment, Government of India.

19. Once the quantum of disability is assessed and UDID card issued reflecting such quantum, there is hardly any scope to reassess the same by any other authority not prescribed by law.

20. The submission of the respondents that they have the authority to assess the disability in accordance with the guidelines does not appear to be the proper approach. The act of ascertaining percentage of disability afresh by the Medical Assessment Board or the Appellate authority to ascertain whether a candidate can get the benefit of reservation in PwBD category is directly contrary to the Act which in no unclear terms lays down that a

person who has more than forty percent disability will fall under PwBD category. The provision of the Act will always prevail over any guidelines issued by the authority.

21. Moreover, it cannot be that a person will fall under PwBD category under the Act and will not fall under the said category in terms of the Guidelines. There cannot be two separate criteria to identify benchmark disability of a person. The very purpose, aim and object of granting reservation to a candidate suffering from benchmark disability will be frustrated and defeated if such dual stand is adopted by the authority only for ascertaining the percentage of disability.

22. The position of law as settled by the Hon'ble Supreme Court in this regard is very clear. The quantum of disability is to be assessed only by the authority prescribed under the provisions of the Rights of Persons with Disabilities Act, 2016 which issues the disability certificate and the Unique Disability ID. The quantum of disability cannot be re-assessed by the Medical Assessment Board or the Appellate Authority. The aforesaid authorities are only required to assess the functionality of the candidate as to whether the candidate is in a position to take admission in the subject course.

23. For ascertaining the functionality of the candidate, the Medical Assessment Board assessed the functional competency, the reasonable accommodation, ability to complete the MBBS course and the patient's safety assessment and found the same to be in favour of the petitioner. After the Medical Assessment Board decides all the above points in favour of the petitioner,

the Medical Assessment Board could not have re-assessed the quantum of disability of the candidate and reduce the same from the percentage as disclosed in the disability certificate followed by the UDID card.

24. In view of the above, the Court is of the considered opinion that the conclusion of the Medical Assessment Board affirmed by the Appellate Authority that the petitioner is ineligible for PwBD reservation cannot be sustained in the eye of law. Such conclusion of the authority stands set aside.

25. The quantum of the benchmark disability as assessed by the Competent Authority and reflected in the UDID card has to be taken as final.

26. As the Medical Board has found the petitioner to have successfully passed the functionality test, accordingly, the petitioner shall be provided the benefit as meant for the PwBD candidates.

27. A fresh eligibility certificate shall be issued by the IPGME&R, Kolkata in favour of the petitioner strictly relying upon the quantum of disability as mentioned in the Unique Disability ID of the petitioner at the earliest but positively by 6th October 2026.

28. The petitioner will be entitled to participate in the next round of counselling relying on the fresh eligibility certificate that will be issued relying upon the Unique ID of the petitioner.

29. The writ petition stands disposed of.

30. All parties to act on the basis of the server copy of this judgment duly downloaded from the official website of this Court.

31. Certified server copy of this judgment, if applied for, be supplied to the parties or their advocate on record expeditiously on compliance of usual legal formalities.

[Amrita Sinha, J]