S. No.30
Regular List

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) No.772/2026
CM No.(1958/2026)
CM No.(2040/2026)

DANISH IQBAL

…..Petitioner(s)

Through: Petitioner in person.

V/s

UT OF J&K AND ORS

… ..Respondent(s)

Through : Mr. Faheem Nissar Shah, GA

CORAM:
HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER
11.11.2026

1. The petitioner through the medium of present petition has challenged assessment report bearing No.PSY/MB/2026/136 dated 05.03.2026, issued by respondent No.5. A further direction commanding the respondents to constitute a fresh independent Medical Board for reassessment of petitioner's Psychiatric disability has also been sought.

2. As per the case of the petitioner, on 19.02.2026 he had applied for issuance of a disability certificate in the category of mental illness, as he is entitled to be considered for benchmark disability certification of 40% and above in accordance with applicable law. It has been submitted that the petitioner was referred to Government Psychiatric Diseases Hospital,

Rainawari for psychiatric assessment, pursuant whereto he appeared before the Medical Board on 21.02.2026. Vide impugned communication dated 05.03.2026, the Board after assessing the psychiatric disability of the petitioner concluded that the petitioner had a total score of 4 which is corresponding to less than 40% disability.

3. It has been submitted that there is material on record to show that the petitioner is suffering from disability of more than 40% but the Medical Board has erroneously assessed his disability. It has further been submitted that the petitioner had approached the Appellate/competent authority on 07.03.2026 by submitting a detailed representation, including to Medical Superintendent, Govt. Psychiatric Diseases Hospital, Srinagar through registered post but no action has been taken by the said authority. It has been further contended that the Medical Board did not consider the medical record submitted by the petitioner adequately, as a result of which decision making process has been rendered irrational and contrary to the principles of natural justice.

4. The respondents have filed their reply to the writ petition in which it has been submitted that the Medical Board undertook detailed psychiatric evaluation, mental status examination and scrutiny of medical treatment record in accordance with Indian

Disability Evaluation and Assessment Scale, whereafter the Board found that the petitioner has secured a total score of 4 corresponding to less than 40% disability. It has been further submitted that the assessment of the disability of the petitioner has been made by the Medical Board after adhering to relevant protocol and proper guidelines.

5. I have heard the petitioner in person and learned counsel for the respondents. I have also perused record of the case.

6. The petitioner through the medium of present petition is challenging the Psychiatric Assessment Report rendered by the duly constituted Medical Board, comprising three Doctors from Department of Psychiatry, one Clinical Psychologist and the Medical Superintendent. The question that arises for determination in this writ petition is as to whether this Court in exercise of its powers under writ jurisdiction is competent to undertake a judicial review of the assessment made by the duly constituted Medical Board.

7. It is a settled law that scope of interference in matters relating to assessment of fitness by a Medical Board constituted under the statutory frame work in exercise of powers under writ jurisdiction is extremely limited. The Courts have time and again emphasized the need for caution when a litigant seeks to

assail the correctness of a Medical Board constituted by the State Authorities.

8. In the light of the aforesaid consistent opinion of the Courts, if we have a look at the grounds of challenge raised by the petitioner for assailing the impugned assessment report, it is revealed that the petitioner has not specified any rule, guideline or protocol which has been violated by the Medical Board, while issuing the impugned Assessment Report. The petitioner has not pleaded any procedural irregularity or any mala-fides on the part of the respondents while conducting his medical examination. In the absence of any such assertion or any cogent material on record that would throw doubt upon the report of the Medical Board, there is hardly any scope for this Court to undertake judicial review with the findings of the Medical Board, particularly when the said Board comprises five doctors who are qualified in the relevant field. This Court cannot substitute its own opinion for the opinion rendered by the experts so as to act as an Appellate authority.

9. For the foregoing reasons, I do not find any merit in this petition. The same is accordingly dismissed.

(SANJAY DHAR)
JUDGE

SRINAGAR
11.11.2026
Sarveeda Nissar

Whether the order is speaking: Yes/No
Whether the order is reportable: Yes/No

Sarveeda Nissar
I attest to the accuracy and
authenticity of this document
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