Kavita S.J.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13402 OF 2026

Manyata Bipin Singh ...Petitioner

Versus

State of Maharashtra & Ors., ...Respondents

Mr. Kunal Bhanage i/b Mr. Shashank Shubham for Petitioner.

Smt. Kavita Solunke, Addl. GP a/w Shri Abhijit K. Naik, AGP for Respondent No.1 – State.

Dr. Dhruti Kapadia for Respondent No.3 – State CET Cell.

Mr. Rui Rodrigues a/w Mr. Jainendra Sheth for Respondent No.4 – NTA.

CORAM : R.I. CHAGLA AND
FIRDOSH P. POONIWALLA, JJ.

DATE : 9th OCTOBER, 2026.

ORDER:

1. At the outset, Mr. Bhanage, learned Counsel for the Petitioner seeks leave to amend the Petition by placing on record the correct copy of Exhibit-F and to correct the name of the Petitioner in the cause title of the synopsis at Page No.A.

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2. Leave, as sought for, is granted.

3. The amendment shall be carried out in the course of today. Re-verification is dispensed with.

4. In the present Petition, the Petitioner has sought directions to Respondent No.3 - CET Cell to permit the Petitioner to participate in the Undergraduate Medical Course for the Academic Year 2026-27 from the Persons with Disability (PwD) quota.

5. The Medical Council Committee (MCC), DGHS, Ministry of Health and Family Welfare, Government of India, has carried out the requisite correction in the application form of the Petitioner by reflecting that the Petitioner is a Person with Disability, subject to the Petitioner's visit at a designated disability centre of MCC to obtain her PwD Certificate. Thereafter an Eligibility Certificate has been obtained by the Petitioner on 24th September 2026 which certifies that the Petitioner belongs to Persons with Disability (PwD). The Eligibility Certificate is annexed as Exhibit 'H' to the Petition.

6. In a similar case as the present viz., ***Kushi Budhwani Vs. Union of India and Others, Writ Petition (L) No.27204 of 2026,*** this Court had considered relief similar to that sought for by the Petitioner to take part in the CAP Rounds under PwD – Open

Category, provided seats under the said Category were available.

7. Dr. Dhruti Kapadia, learned counsel appearing for Respondent No.3 - State CET Cell, has opposed the relief sought for in the Petition on the ground that the Petitioner was well aware of the schedule of CAP Rounds. She submitted that in the case of ***Kushi Budhwani (supra)*** the CAP Round 1 had yet to commence, and at that stage the Court had passed the Order allowing the Petitioner to take part in CAP Rounds under PWD Open Category, provided seats under the said category were available.

8. We have considered the submissions. This Court, in ***Aachal Sachin Dhakre Vs. The State of Maharashtra through its Department of Medical Education and Drugs, Mantralaya and Ors.*** in Writ Petition No. 12586 of 2026, Order dated 23rd September, 2026, had considered a case similar to the present case where the Petitioner was seeking a direction to the State CET Cell to allow the Petitioner to participate in CAP Round 3 onwards under PwD OBC Category and allow her to avail benefits under the said categories. This is in view of the eligibility certificate having been obtained by the Petitioner on 6th September, 2026 which certified that the Petitioner

belonged to the said category. Further, the MCC had carried out the requisite correction in the application form of the Petitioner by reflecting that the Petitioner is a person with disability and belonged to the OBC category.

9. In the present case, the MCC has also carried out the requisite correction in the application form of the Petitioner by reflecting that the Petitioner is a Person with Disability and the Petitioner has obtained the requisite eligibility certificate certifying that she belongs to the Person with Disability category.

10. Although, in that case, a statement had been made on behalf of the State CET Cell that, in the event seats are available from CAP Round 3 onwards, the State CET Cell has no objection to the Petitioner participating under OBC category in subsequent CAP Rounds, in the present case, such a statement is not made. However, we consider it appropriate to follow our Order dated 23rd September, 2026 as we have done in ***Dhruvi Kekin Gala Vs. State of Maharashtra & Ors., Writ Petition No.12843 of 2026, Order dated 30th September, 2026***.

11. We are of the view that, in the event the seats are

available under the PWD category in subsequent CAP Rounds, viz., CAP Round 3 onwards, it would be unfairly prejudicial to the Petitioner, who has obtained the eligibility certificate and for whom the requisite correction has been carried out by MCC in the application form by reflecting that the Petitioner is a Person with Disability, to disentitle the Petitioner from participation under that category.

12. Accordingly, we allow the Petition by directing the Respondent No.3 - State CET Cell to permit the Petitioner to participate in CAP Round 3 onwards under the PwD category as well as consider her eligible to participate in the under-graduate medical course for Academic Year 2026-27 from the PWD category.

13. It is made clear that this Order is passed in the peculiar facts and circumstances of the present case and shall not be treated as a precedent.

14. Writ Petition is accordingly disposed of in the aforesaid terms. There shall be no order as to costs.

[FIRDOSH P. POONIWALLA, J.] **[R.I. CHAGLA, J.]**