

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 2062 OF 2026

Sheth Mushfikabanu Mahmadarif

...Petitioner

Versus

Union Of India Thr Its Secretary And Ors

...Respondents

Adv. Pooja Thorat, i/b Adv. Anukul Sheth, a/w Adv. Rufiya Iqbal, for the
Petitioner.

Adv. R.A. Salunkhe, AGP for the Respondent.

Adv. Rui Rodrigues, a/w Aalekh Wagh, for Respondent Nos. 1, 2 and 3.

**CORAM : R. I. CHAGLA J &
ADVAIT M. SETHNA, J.**

DATED : 18TH FEBRUARY 2026

P.C.:-

1. Pursuant to the orders dated 12 February 2026 and 16 February 2026, Respondent No. 4 has submitted the Report/Certificate of disability in sealed cover which is opened by us in Court today. The Report/Certificate of disability dated 18 February 2026 negates the claim that the Petitioner is eligible for the benefit of reservation of PwD quota for admission to Post Graduate Medical Course and certifies that she is not eligible. The said Report/Certificate of disability are taken on record and marked 'X' for

identification and copy thereof are provided to the Petitioner.

2. The Petitioner belongs to Muslim Patni Jamat caste which is enlisted with the Central Government OBC category list. For claiming such reservation and taking benefit thereunder, the Petitioner also needs a non-creamy layer certificate, in the All India Quota. At the time of registration of examination the non-creamy layer certificate was not issued to Petitioner. However, the said certificate was issued after the NEET results.

3. The Petitioner is desirous of pursuing Post Graduate Medical Course and had appeared for the National Eligibility Cum Entrance Test, i.e. NEET-PG-2025 for All India Quota.

4. The Petitioner scored 56 marks out of 800 marks in NEET-PG-2025. As per the Circular issued by National Board of Examination, the qualifying marks for being eligible for NEET-PG-2025 was 235. The Petitioner was short of the requisite marks and was thus, not eligible for participating in the admission process.

5. However, the Petitioner having secured the eligibility in view of Circular dated 13th January 2026, the Petitioner seeks to claim benefit of the lower eligibility criteria, as prescribed in the said circular.

6. We have considered the case of the Petitioner as well as the Order dated 06 September 2024 passed by this Hon'ble Court in Writ Petition No. 9218 of 2024, permitting the Petitioner to change her category from Open to OBC Category. Accordingly, we consider it appropriate to pass the

following order, which would meet the ends of justice:-

ORDER

- i. Respondent No.2-MCC is directed to permit the Petitioner to change her category and fill application forms from Open to OBC category by opening the portal for the Petitioner for making the said change and/or for making the claim to the Post Graduate Medical seat under the aforementioned category. Needless to state that the Caste Claim of the Petitioner for OBC category shall be verified by the concerned authorities.
- ii. It is further directed that the Respondent No. 2 - MCC shall consider the Petitioner under the aforementioned category as per the *inter se* merits.
- iii. It is clarified that all other compliance including submitting necessary documents to be uploaded, shall be done as required by the Respondent No. 2 – MCC.
- iv. Writ Petition is disposed of in the aforesaid terms. There shall be no order as to costs.
- v. All parties shall act on authenticated copy of this order digitally signed by the PS./PA. of this Court.

[ADVAIT M. SETHNA, J.]

[R.I. CHAGLA, J.]