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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23-10-2026

CORAM

THE HON'BLE MR JUSTICE G.R.SWAMINATHAN

WP(MD) No. 30389 of 2026

and W.M.P(MD).No.23193, 23194 and 23197 of 2026

CNR:{HCMD011530102026}

Anusri J.K.

..Petitioner(s)

Vs

1. The Ministry of Health and Family Welfare
   Rep. by its Secretary,
   3rd and 4th Floor,
   Indian Red Cross Society Building,
   No.1, Red Cross Road,
   Sansad Marg Area,
   New Delhi - 110 001.

2. The National Medical Commission
   Rep. by its Secretary,
   Pocket 14, Sector 8,
   Dwarka Phase I,
   New Delhi - 110 077.

3. The Medical Counselling Committee
   Rep. by its Director,
   Directorate General of Health Services,
   Nirman Bhawan,
   New Delhi - 110 011.

4. The Secretary to Government
   Health and Family Welfare Department,
   Government of Tamil Nadu,
   Fort St.George,
   Chennai - 600 009.

5. The Selection Committee
   Directorate of Medical Education and Research,

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Government of Tamil Nadu,
Chennai - 600 010.

6. The Director
Directorate of Medical Education and Research,
No.162, EVR Periyar High Road,
Kilpauk,
Chennai - 600 010.

7. The Medical Assessment Board
Rajiv Gandhi Government General Hospital,
Chennai.

8. The Commissioner
Commissionerate for the Welfare of Differently
Abled Persons,
No.5, Kamarajar Salai,
Chennai - 600 005.

..Respondent(s)

PRAYER: Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order Certificate No.2026-OCT/031648, dated 10.10.2026 passed by the 7th respondent assessing the petitioners hearing disability at 19 percent, and quashing the same and consequently to direct the Respondents to consider the petitioner on the strength of her valid Permanent UDID card dated 19.06.2026 (40 percent) and permit her to participate in the MBBS counselling under the PwBD category.

For Petitioner(s): Mr V.R.Shanmuganathan

For Respondent(s): Mr.S.Sundaravadivel
CGSPC for R1
Mr.M.P.Senthil
Government Pleader
for R4 to R8

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ORDER

The writ petitioner was born on 12.09.2007. She completed her Higher Secondary Examination in March-2025. The petitioner suffered from hearing impairment. The petitioner has been issued with permanent UDID card certifying that her hearing impairment is to the tune of 40%. The petitioner aspires to pursue MBBS course. She had also participated in the NEET Examination. According to the authorities, the petitioner will be entitled to horizontal reservation, if her hearing impairment is 40%. However, the Medical Board assessed the petitioner's disability only at 19%. Challenging the said certificate issued by the Government Rajaji Hospital, Madurai, the petitioner filed W.P.(MD).No.24681 of 2026. The learned single Judge disposed of the writ petition by order dated 25.08.2026 in the following terms:

> *"....5. It is also seen that the appeal has been duly submitted within three days from the date of first assessment, precisely before the commencement of the counseling on 22.08.2026. Under such circumstances, this Court is of the considered view that the appellate authorities should have immediately reassessed the petitioner. Having not done so, the petitioner-s opportunity is at stake as on date.*
>
> *6. In view of the same, the appellate authority constituted by the Directorate General of Health Services, DGHS is forthwith directed to reassess the petitioner. If*

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the hearing impairment is assessed at 40% or more, the respondent shall take necessary steps to accommodate the petitioner. ....“

2.The appellate authority has again quantified the petitioner’s hearing impairment at 18%. Therefore, the petitioner may not be entitled to the horizontal reservation. In these circumstances, this writ petition came to be filed.

3.Strictly speaking, the learned counsel for the petitioner has no case. This is for two reasons. Firstly, the order passed by the learned Single Judge in W.P(MD).No.24681 of 2026 comes in the way; Secondly, according to the written instructions submitted by the learned Government Pleader, the counseling process is already over and all the seats have been allotted.

4.However, one equitable consideration has to be taken into account. My attention is drawn to the order dated 24.09.2026 made in W.P(MD).No.37032 of 2026 (S.Prasanth V. National Medical Commission and others). The learned single Judge had held that the UDID Card issued by the competent authority regarding one’s disability at a particular percentage, ought to be followed. In other words, the learned Judge frowned upon re-determination of the extent of disability.

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5.The learned counsel for the petitioner points out that this order was complied with by the authority and seats have also been allotted.

6.The petitioner is also placed on the very same footing.

7.Even though the learned Government Pleader states that the department is considering filing a challenge to the order dated 24.09.2026 in W.P(MD).No.37032 of 2026, I am not impressed by the said submission. When Prasanth has obtained relief from the Madras High Court, Anusri cannot be denied relief when both are on the same footing.

8.It is possible that, even though the counseling is over and all the MBBS seats have been allotted, some may not join. No seat should be allowed to go waste. In that event, mop-up counseling may be conducted by the authorities. I am not directing the authority to conduct mop-up counselling. But if such a mop-up counselling is carried out to fill up the vacant seats, then certainly the writ petitioner’s case will also be considered by treating her disability at 40% as set out in her UDID card.

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9.The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
Rmk
NOTE : Issue order copy on 23.10.2026

To

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G.R.SWAMINATHAN, J.
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