IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE SIXTEENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SMT. JUSTICE JUVVADI SRIDEVI

WRIT PETITION NO: 27572 OF 2026

Between:

Ms. Datrika Thanishka,, D/o. Mr. Datrika Narender Aged about- 21 years, Occ- Student R/o. 1-3-173/4/5, Road No. 4b, AN Reddy Colony, VTC- Nirmal, P0- Nirmal, District- Nirmal, State- Telangana - 504106

...PETITIONER

AND

1. Kaloji Narayana Rao University of Health Sciences,, Rep. by its Registrar, Warangal, Telangana State - 506002
2. Osmania Medical College, Rep. by its Principal 5-1-876, Turrebaz Khan Rd, Troop Bazaar, Koti, Hyderabad, Telangana 500095.
3. National Medical Commission, Rep by its Secretary, Pocket- 14 , Sector - 8, Dwarka Phase -1 New Delhi - 110077, INDIA

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of a Writ of Mandamus- a)declaring the action of Respondent Nos. 1 and 2 in not granting the Petitioner compensatory time in the First Year MBBS examinations undertaken by her and in rejecting, by email dated 09.01.2025, her request for a further opportunity to clear the subject of Human Anatomy on the ground that she had exhausted the maximum permissible four attempts under Regulation 7.7 of the Graduate Medical Education Regulations, as being illegal, arbitrary, discriminatory and violative of Articles 14 and 21 of the Constitution of India besides being in violation of Sections 2(h), 2(y), 3 and 17(i) of the Rights of Persons with Disabilities Act, 2016 and the Guidelines dated 29.08.2018 issued by the Department of Empowerment of Persons with Disabilities, and set aside the said action b)consequently, directing Respondent Nos. 1 and 2 to permit the Petitioner to appear for the Human Anatomy examination in the next ensuing First Year MBBS

examination, without treating her previous four attempts as exhausting the maximum permissible attempts, and to provide her compensatory time in the said examination in accordance with applicable law further direct Respondent Nos. 1 and 2 to permit the Petitioner to continue the MBBS course upon clearing the Human Anatomy examination.

I.A. NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondent Nos. 1 and 2 to receive the Petitioner's application and examination fee and provisionally permit her to appear for the Human Anatomy examination in the next ensuing First Year MBBS examination by providing her with compensatory time as prescribed by the law including by directing the Respondents not to discharge the Petitioner or otherwise terminate her admission to the MBBS course pending disposal of the main writ petition.

Counsel for the Petitioner: SRI K. SAI RAM REP. FOR SRI TARUN G. REDDY

Counsel for the Respondent No.1: SRI T. SHARATH, S.C. FOR KALOJI NARAYANA RAO UNIVERSITY OF HEALTH SCIENCES

Counsel for the Respondent No.2: AGP FOR MEDICAL, HEALTH AND FAMILY WELFARE

Counsel for the Respondent No.3: MS. GORANTLA SRI RANGA PUJITHA, SC FOR NATIONAL MEDICAL COMMISSION (NMC)

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HON'BLE SMT. JUSTICE JUVVADI SRIDEVI

WRIT PETITION No.27572 of 2026

CNR No.HBHC010573402026

DATED 16TH NOVEMBER, 2026

Between:

Ms Datrika Thanishka.

... Petitioner

AND

Kaloji Narayana Rao University of Health Sciences,
Rep.by its Registrar,
Warangal, Telangana State 506002 and others. ...Respondents

: O R D E R :

This writ petition is filed seeking the following relief:

"to issue an appropriate Writ, Order or Direction, more particularly one in the nature of a Writ of Mandamus:

a) *declaring the action of respondent Nos.1 and 2 in not granting the Petitioner compensatory time in the First Year MBBS examinations undertaken by her and in rejecting by email dated 09.01.2025, her request for a further opportunity to clear the subject of Human Anatomy on the ground that she had exhausted the maximum permissible four attempts under Regulation 7.7 of the Graduate Medical Education Regulations, as being illegal, arbitrary, discriminatory and violative of Articles 14 and 21 of the Constitution of India besides being in violation of Sections 2(h), 2(y), 3 and 17(i) of the Rights of Persons with Disabilities Act, 2016 and the Guidelines dated 29.08.2018 issued by the Department of Empowerment of Persons with Disabilities, and set aside the said action;*

b) *consequently directing respondent Nos.1 and 2 to permit the Petitioner to appear for the Human Anatomy examination in the next ensuing First Year MBBS examination, without treating her previous four attempts as exhausting the maximum permissible attempts, and to provide her compensatory time in the said examination in accordance with applicable law;*

c) *further direct Respondent Nos.1 and 2 to permit the Petitioner to continue the MBBS course upon clearing the Human Anatomy examination;"*

3. Heard Mr.K.Sai Ram, learned counsel representing Mr. Tarun G.Reddy, learned counsel for the petitioner, Mr.Tadakamalla Sharath, learned Standing Counsel for Kaloji Narayana Rao University, appearing for respondent No.1, learned Assistant Government Pleader for Medical, Health and Family Welfare, appearing for respondent No.2 and Ms.Gorantla Sri Ranga Pujitha, learned Standing Counsel for National Medical Commission (NMC), appearing for respondent No.3.

4. The case of the petitioner is that she is a person with benchmark disability, having 73% disability in her right (dominant) hand, resulting in impaired reach and weakness of grip, due to an accident occurred at the age of ten(10) years. After completion of her Intermediate, she appeared for NEET-UG 2022 and secured a percentile score of 54.525, with an All India Rank of 8,00,379 and a PwD category rank of 1,871. During the counselling process, the petitioner filed W.P.No.40069 of 2022 challenging the Graduate Medical Education Regulations (Amendment), 2019, insofar as the eligibility for admission under PwD quota was restricted to candidates having both hands intact. By an interim order, dated

31.10.2022 in W.P.No.40069 of 2022, the Hon'ble Division Bench of this Court, directed the respondents therein to permit the petitioner to register for NEET counselling and participate in the counselling, subject to further orders in the said writ petition. Pursuant to the said interim order, the petitioner was allotted a seat in respondent No.2-college, under the PwD quota for the academic year 2022-23.

4.1. Thereafter, the petitioner appeared for the First Professional MBBS examinations for the first time in November, 2023, but could not clear any of the three subjects, namely, Human Anatomy, Biochemistry and Physiology. Subsequently she submitted a representation dated 29.01.2024 to respondent No.2-college, explaining the difficulties faced by her in writing the examinations with her non-dominant hand and requesting grant of compensatory time. However, no additional time was provided to her in the subsequent attempts. Though she cleared Physiology in February 2024 and Biochemistry in November 2024, she could not clear Human Anatomy, which remained her sole pending subject.

4.2 After exhausting four attempts, the petitioner submitted representations dated 18.12.2024 and 06.01.2025 to respondent No.1-University, seeking one further opportunity to clear Human

Anatomy, on the ground that she had not been provided compensatory time in any of her earlier attempts. She also approached the Grievance Committee on 08.01.2025, seeking re-verification, re-totalling and re-evaluation of her answer script in the subject of Human Anatomy. However, her request for an additional attempt was rejected by e-mail dated 09.01.2025, on the ground that she had exhausted the four attempts prescribed under Regulation 7.7 of the Graduate Medical Education Regulations, 1997.

4.3 Aggrieved thereby, the petitioner filed W.P. No.1855 of 2025 seeking re-evaluation of her Human Anatomy answer script. By order dated 23.01.2025, this Court granted liberty to her to approach the Grievance Committee and directed the Committee to permit re-verification and re-totalling of her answer script. However, the respondents agreed only to re-totalling of marks and declined to undertake re-verification and re-evaluation.

4.4 It is the further case of the petitioner that under the Guidelines for Conducting Written Examinations for Persons with Benchmark Disabilities, 2018, she was entitled to compensatory time of 20

minutes for every hour of examination, amounting to one additional hour for a three-hour examination.

4.5 It is also her case that, during the pendency of the present writ petition, respondent No.3-NMC, *vide* Circular dated 15.10.2026, permitted an additional fifth attempt, by way of a mercy attempt, to students admitted to the MBBS Course from the academic year 2019-20 onwards, including students who had crossed the prescribed four-year period, subject to their admission remaining valid and not having been cancelled by the concerned University or College. Since the petitioner was admitted during the academic year 2022-23 and her admission has not been cancelled or invalidated, she claims entitlement to the benefit of the said Circular. Hence, the present writ petition is filed by the petitioner seeking a direction to the respondents to permit her to undertake the fifth attempt in Human Anatomy with one hour of compensatory time over and above the prescribed examination duration of three hours.

5. Learned counsel for the petitioner, submits that the petitioner, being a person with 73% benchmark disability, is entitled to one hour of compensatory time in every three-hour examination, in terms of the Guidelines dated 29.08.2018 issued by the Ministry of

Social Justice and Empowerment. He further submits that, in view of the Circular dated 15.10.2026 issued by the National Medical Commission permitting an additional fifth attempt to eligible MBBS students, the petitioner is also entitled to avail the said benefit, as she was admitted to the course during the academic year 2022-23 and her admission has not been cancelled.

5.1 He submits that, despite repeated representations, the respondents failed to provide compensatory time to the petitioner in any of her four attempts, thereby depriving her of a fair opportunity to clear the First Professional MBBS examination. Learned counsel submits that the attempts undertaken without providing the compensatory time cannot be treated as valid attempts.

5.2 He further submits that the 2026 Guidelines governing assessment of candidates with benchmark disabilities for admission to MBBS course have no application to the grant of compensatory time during examinations, which is governed by the Guidelines dated 29.08.2018. Therefore, the petitioner is entitled to one hour of compensatory time in the additional fifth attempt permitted under the Circular dated 15.10.2026.

6. Learned counsel for the petitioner relied on the judgment of the Hon'ble Supreme Court in ***Avni Prakash v. National Testing Agency***[1], wherein, the admission-related guidelines and examination-related accommodations were distinguished. The relevant paragraphs of the said judgments are extracted hereunder:

> "32. The first respondent, as a testing agency, was duty-bound to comply with the Guidelines on Written Examination dated 29-8-2018, prescribed by the Ministry of Social Justice and Empowerment. The grievance of the appellant is that she was deprived of the compensatory additional one hour for attempting the examination, simply because the second respondent (the designated centre) was unaware of the rights of PwD candidates and the corresponding obligations on the second respondent. This state of affairs reflects the responsibility of the first respondent to ensure that personnel at examination centres are trained and provided with clear guidelines for the implementation of the provisions made for PwD. In the absence of adequate training, rights conferred on candidates with "specified disabilities" by Parliament, are set at nought.
>
> 59. The first respondent, as an examining body, was bound to scrupulously enforce the Guidelines for Written Examinations dated 29-8-2018 which provide for specific relaxations. The appellant has suffered injustice by a wrongful denial of these relaxations and a lack of remedy by this Court would cause irretrievable injustice to the life of the student. The RPwD Act, 2016 prescribing beneficial provisions for persons with specified disabilities would have no meaning unless it is scrupulously enforced."

7. He also relied on the judgment of the Madras High Court in ***Preethi Sarafogi v. Union of India & Ors***[2]., wherein at para 11, it was held that:

> *"11.Thus, on a combined reading of the provisions of the Act and the judgement of the Hon'ble Supreme Court of India, it*

[1] (2023) 2 SCC 286
[2] W.P. No.29975 of 2024

> *would be clear that the facilities extended to persons with disabilities are not concessions bestowed upon them, but their inherent rights coupled with the duty of the respondents to provide such facilities. Even if a person with disability lacks awareness of her rights/requirements, it is the duty of the concerned invigilator or the concerned college to check whether she is in a position to write the examination within three hours or whether she needs any additional time scribe....."*

8. He, therefore, seeks a direction to the respondents to permit the petitioner to appear for the fifth attempt in Human Anatomy by providing one hour of compensatory time over and above the prescribed examination duration of three hours.

9. Learned Standing Counsel for NMC appearing for respondent No.3 submits that the petitioner has approached this Court suppressing material facts, particularly the filing of W.P. No.40069 of 2022, wherein, she challenged the eligibility criteria for admission to the MBBS Course under the PwD quota. She submits that the petitioner's admission was pursuant to the interim order dated 31.10.2022 passed in the said writ petition and is subject to its final outcome. She further submits that respondent No.3 filed an application on 01.08.2023 seeking vacation of the interim order, which is still pending consideration. Therefore, the petitioner cannot claim any equity or seek the benefit of the additional fifth attempt under the Circular dated 15.10.2026 until the validity of her admission is determined.

9.1 Learned Standing Counsel submits that the petitioner has exhausted all four attempts prescribed under Regulation 7.7 of the Graduate Medical Education Regulations, 2019, without clearing the First Professional MBBS examination. The additional fifth attempt permitted under the Circular dated 15.10.2026 is a one-time concession, subject to the validity of the petitioner's admission.

9.2. Relying on the Guidelines on Assessment of Persons with Benchmark Disabilities (PwBD) for Admission to the MBBS Course, 2026, she submits that reasonable accommodation, including compensatory time, is subject to an assessment of the candidate's functional abilities and the feasibility of such accommodation by a Medical Assessment Board. Thus, the petitioner cannot claim compensatory time without undergoing the prescribed assessment.

10. Learned Standing Counsel further submits that the petitioner had earlier filed W.P.No.1855 of 2025 seeking re-verification and re-totalling of her Human Anatomy answer script and having exhausted all four attempts cannot now contend that those attempts are invalid. She also contends that the provisions of the Rights of Persons with Disabilities Act, 2016, cannot be invoked to claim exemption from

the binding examination regulations of the National Medical Commission.

11. Learned Standing Counsel however submits that, in view of the Circular dated 15.10.2026 permitting an additional mercy attempt, petitioner may submit a representation to respondent No.1 seeking permission to avail the benefit of the said Circular, along with compensatory time in terms of the Guidelines for Conducting Written Examinations for Persons with Benchmark Disabilities, 2018.

12. In reply learned counsel for the petitioner submits that the admission of the petitioner pursuant to the interim order dated 31.10.2022 passed in W.P.No.40069 of 2022 cannot be a ground to deny her the benefit of the additional attempt. He further submits that the Guidelines on Assessment of Persons with Benchmark Disabilities for Admission to the MBBS Course, 2026, relied upon by respondent No.3, govern only admission eligibility and cannot be applied to deny compensatory time during examinations, which is governed by the 2018 Guidelines. Learned counsel for the respondents submits that there is no objection to the petitioner submitting a representation before respondent No.1-University,

seeking the additional mercy attempt under the Circular dated 15.10.2026, along with compensatory time in terms of the 2018 Guidelines.

13. In view of the submissions made by the learned counsel appearing on both sides, and without expressing any opinion on the merits of the case, this Court deems it appropriate to direct the petitioner to submit a fresh representation before respondent No.1, seeking permission to avail the additional mercy attempt in the subject of Human Anatomy, with one hour of compensatory time in terms of the Circular dated 15.10.2026, together with one hour of compensatory time in accordance with the 2018 Guidelines. Upon receipt of such representation, respondent No.1 shall consider the same and pass appropriate orders, in accordance with the applicable Rules, Regulations, norms and guidelines governing the University, within a period of two (2) weeks thereafter.

13.1 It is made clear that any permission granted to the petitioner to undertake the additional mercy attempt shall be subject to the further orders that may be passed by the Hon'ble Division Bench of this Court in W.P.No.40069 of 2022. The petitioner shall not claim any equity on the basis of such permission or her participation in the

examination, nor shall she claim any further attempt in respect of the four attempts already exhausted by her.

14. With the above directions, the Writ Petition is disposed of. No costs.

Pending miscellaneous applications, if any, shall stand closed.

SD/- C. DEEPIKA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Registrar, Kaloji Narayana Rao University of Health Sciences,, Warangal, Telangana State - 506002
2. The Principal, Osmania Medical College, 5-1-876, Turrebaz Khan Rd, Troop Bazaar, Koti, Hyderabad, Telangana 500095.
3. The Secretary, National Medical Commission, Pocket- 14 , Sector - 8, Dwarka Phase -1 New Delhi - 110077, INDIA
4. One CC to SRI TARUN G. REDDY, Advocate [OPUC]
5. One CC to SRI T. SHARATH, S.C. FOR KALOJI NARAYANA RAO UNIVERSITY OF HEALTH SCIENCES [OPUC]
6. One CC to MS. GORANTLA SRI RANGA PUJITHA, SC FOR NATIONAL MEDICAL COMMISSION (NMC) [OPUC]
7. Two CCs to GP FOR MEDICAL, HEALTH AND FAMILY WELFARE, High Court for the State of Telangana, at Hyderabad [OUT]
8. Two CD Copies

AGK

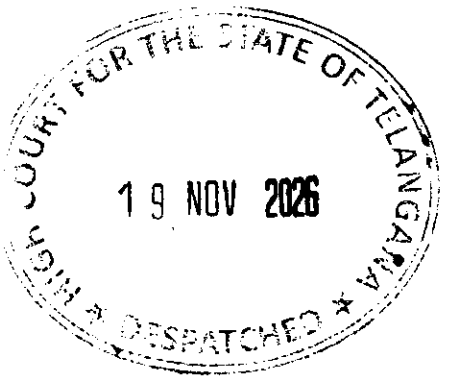
AGK

CC TODAY

HIGH COURT

JS, J

DATED: 16/11/2026



ORDER

WP.No.27572 of 2026

DISPOSING OF THE WRIT PETITION WITHOUT COSTS