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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\# **CNR No. DLHC010527182026**

\+ W.P.(C) 16192/2026 & CM APPL. 75780/2026, CM APPL. 75782/2026

SWAPNALI GULABRAO BAKHADE

.....Petitioner

Through: Mr. Rajshekhar Rao, Senior Adv., Ms Mugdha Adv., Mr Rahul E Adv., Ms Shrutika Pandey Adv., Mr Ajay Sabharwal Adv., Mr Wamic Wasim Nargal Adv., Ms Karuvaki Mohanty Adv., Mr Arjun Chopra Adv.,

versus

NATIONAL MEDICAL COMMISSION AND ORS

.....Respondents

Through: Mr. Amit Meharia, Mr. Abinash Agarwal Ms. Priya S. Bhalerao and Mr. Shashwat Roy, Advs for NMC

Ms. Manisha Aggarwal Narain, Mr. Amit Kumar Singh, Mr. Nipun Jain Advocates for R1

Ms. Avshreya Pratap Singh Rudy, Adv. (CGSC) Ms. Usha Jamnal, Adv. Ms. Nyasa Sharma, Adv. Mr. Abhinav Mall, Adv Ms. Nishtha Dhall,Adv for MCC

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

O R D E R

% 03.11.2026

CM APPL. 75781/2026

Allowed subject to all just exceptions.

The application stands disposed of.

W.P.(C) 16192/2026

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1. This is a writ petition filed under Article 226 of the Constitution of India seeking the following prayers: -

> *"a. Issue a writ of certiorari, or any other appropriate writ, order or direction, quashing and setting aside the Eligibility Certificate No. 2026-Oct/UDID/002958 dated 06.10.2026 issued by the Medical Assessment Board, AIIPMR, Mumbai (Respondent No. 4), in so far as it records the Petitioner's benchmark disability as 19% and arbitrarily declares her "Ineligible for PwD Reservation"; AND/ OR*
>
> *b. Issue a writ of certiorari, or any other appropriate writ, order or direction, quashing and setting aside the Medical Opinion on Appellate Reassessment dated 09.10.2026 of the Appellate Medical PwD Assessment Board, NEET-PG 2026, Grant Government Medical College & Sir J.J. Group of Hospitals, Mumbai (Respondent No. 5), in so far as it records the Petitioner's disability at 19% and declares her ineligible under the PwBD category; AND/OR*
>
> *c. Issue a writ of mandamus, or any other appropriate writ, order or direction, directing the Respondents, in particular Respondent Nos. 1 and 2, to treat the Petitioner's disability as recorded in her UDID Card (UDID No. MH0510619980008159), to treat her as a candidate under the PwBD (OBC-PwBD) category for NEET-PG 2026, to update her eligibility status accordingly on the counselling portal, and to permit her to participate in the ongoing and subsequent rounds of NEET-PG 2026 counselling under that category in*

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accordance with her rank and entitlement; AND/ OR

d. Declare, and direct the Respondents to act on the basis, that the Disability Certificate and UDID Card issued to the Petitioner on 22.09.2017 (No. MH0510619980008159), certifying a 40% permanent locomotor disability, are conclusive of the nature and extent of her disability for the purposes of PwBD admission in NEET-PG 2026, and that no Medical Assessment Board may re-quantify the said disability; AND/OR

e. Issue a writ of mandamus, or any other appropriate writ, order or direction, directing Respondent Nos. 1 and 2 to immediately issue a corrigendum, notice or direction, and give it wide publicity, clarifying that the Medical Assessment Boards and Appellate Medical Assessment Boards set up under the NMC Guidelines for PwBD candidates in NEET-PG 2026 are strictly not allowed to re-assess, re-calculate or re-quantify the percentage of disability already certified in a candidate's Disability Certificate and UDID Card issued by the competent certifying authority under Sections 57 and 58 of the Rights of Persons with Disabilities Act, 2016....."

2. For reasons stated in the petition, issue notice.
3. Mr. Meharia and Ms. Rudy, learned counsels, accept notice on behalf of the respondent Nos. 1 and 2 respectively and have addressed arguments.
4. The brief facts of the case are that the petitioner is a 28-year-old medical graduate with a Locomotor disability. The petitioner was

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issued a Disability Certificate after examination by the Government Medical College and Hospital Akola, a notified medical authority under Section 57 of the Rights of Persons with Disabilities Act, 2016 ("***the RPwD Act***"), certifying her permanent disability at 40%. A UDID card of the same date was issued to her recording the disability and its extent.

5. The petitioner's NEET (PG) 2026 admit card dated 14.06.2026 recorded that she is a person with disability. She appeared in the examination on 30.08.2026. The result was declared on 24.09.2026, and she secured 88 out of 720 marks with a PwBD rank of 251287.

6. The Guidelines on Assessment of Persons with Benchmark Disabilities for Admission to the (PG) MBBS Course, 2026, dated 16.09.2026 ***("the Guidelines")***, prescribe a separate assessment for PwBD candidates. By a Notice dated 30.07.2026, the Medical Counselling Committee (respondent No. 1) required such candidates to appear before a designated Medical Assessment Board for an Eligibility Certificate.

7. The petitioner appeared with her UDID card before the Medical Assessment Board at AIIPMR, Mumbai i.e. the respondent No. 4. By an assessment/certificate dated 06.10.2026, the Board assessed her disability at 19%, while noting that her UDID card recorded 40%. The Board reassessed her disability and certified that she is eligible to pursue the MBBS course, is capable of undertaking it, and would not pose a threat to patients. Despite the same, the Board declared the petitioner as ineligible for PwBD reservation.

8. The petitioner then filed an appeal before the Appellate Medical Assessment Board i.e. the respondent No. 5.

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9. The Appellate Medical PwBD Assessment Board at Grant Government Medical College & Sir JJ Group of Hospitals, Mumbai/respondent no. 5 concurred with the earlier assessment. By an Eligibility Certificate dated 06.10.2026, it recorded her disability at 40% and again found her capable of undertaking the course. On the same day, her candidature was shifted from the PwBD category to the General category. The petitioner states that she has been thereby deprived of Round 1 of counselling under the PwBD category.

10. Learned counsels for the petitioners submit that the UDID card is the primary document, and that the Medical Assessment Board is required only to make a functional assessment and has no power to reassess the percentage of disability.

11. Learned counsels for the respondents draw my attention to the guidelines on assessment of persons with benchmark disabilities for admission to MBBS Course, 2026 dated 16.09.2026 and more particularly Clauses 8.2 and 8.3 which read as under:-

> *"8.2 Every such candidate shall possess a valid Permanent Unique Disability Identity (UDID) Card issued through the UDID Portal by the Department of Empowerment of Persons with Disabilities (Divyangjan), Ministry of Social Justice and Empowerment, Government of India. The UDID Card shall serve as the primary documentary evidence of the existence, nature and extent of the specified disability for the purposes of these Guidelines.*
>
> *8.3 While the particulars recorded in the Permanent*

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UDID Card, including the category, percentage and validity of the specified disability, shall ordinarily form the basis of consideration by the Medical Assessment Board, the Board shall independently determine the candidate's functional competency in accordance with these Guidelines. The determination of eligibility shall not be based solely upon the category or percentage of disability recorded in the UDID Card."

12. The respondents contend that, under the Guidelines, they are entitled to determine the functional competency of the petitioner, and that the reduction in the percentage of disability was made in the course of that exercise.

13. I have heard learned counsels for the parties.

14. The Clause 3.9 of the Guidelines read as under:-

"3.9 "Functional Competency" means the demonstrated ability of a candidate, with or without reasonable accommodation or assistive technology, to acquire and perform the essential competencies required under the Competency Based Medical Education curriculum."

15. Additionally, Clause 2.4 and 6.1 read as under:-

"2.4 These Guidelines introduce a competency-based and function-oriented assessment framework, whereby the determination of eligibility shall not rest solely upon the numerical percentage or category of disability reflected in the UDID Card or other disability certification. While the benchmark disability prescribed under the Rights of

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Persons with Disabilities Act, 2016 shall continue to determine eligibility for reservation under the PwBD category, admission to the MBBS Course shall be based upon an objective evaluation of the candidate's functional competencies, with due regard to reasonable accommodation, assistive technology, environmental accessibility and contemporary advances in rehabilitation science.

. . . .

6. Statutory Framework

6.1. These Guidelines shall be read in conjunction with-

(a) the National Medical Commission Act, 2019;

(b) the Rights of Persons with Disabilities Act, 2016;

(c) the Graduate Medical Education Regulations, 2023, as amended from time to time;

(d) the Notification dated 12th March, 2024 issued by the Department of Empowerment of Persons with Disabilities (Divyangjan), Ministry of Social Justice and Empowerment;

(e) all applicable Regulations, Guidelines, Notifications and Circulars issued by the National Medical Commission from time to time; and

(f) all binding judgments, directions and orders of the Hon'ble Supreme Court of India and other competent Courts governing admission of Persons with Benchmark Disabilities to the MBBS Course."

16. A combined reading of these provisions shows that eligibility for

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reservation under the PwBD category is determined by the benchmark disability prescribed under the RPwD Act. The UDID card issued under the Act is therefore the primary document for that purpose.

17. Clauses 8.2 and 8.3 of the Guidelines permit the Medical Assessment Board to assess a candidate's functional competency, that is, whether the candidate can complete the MBBS curriculum and thereafter undertake the profession of medicine. They do not empower the Board to revisit the percentage of disability recorded in the UDID card.

18. Both the Medical Assessment Board and the Appellate Board certified the petitioner as eligible to pursue the MBBS course, capable of undertaking it, and not a threat to patients. The operative portion of the functional competency assessment reads as under:

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Annexure P-1

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ELIGIBILITY CERTIFICATE

Issued by the Medical Assessment Board

Certificate No :. 2026-Oct/UDID/002958

Certificate Date :. 06-Oct-2026



Name of the Designated Disability Certification Centre			All India Institute of Physical Medicine and Rehabilitation (AIIPMR), Mumbai	
This to certify that Dr. / Mr. / Ms.			BAKHADE SWAPNALI GULABRAO	
Age	28	**Son/ Daughter of Mr.**	GULABRAO	
NEET Roll No.	26661114707	**Rank No.**	251287	
DOB	08-02-1998	**Mother Name.**	SHOBHA	

UDID Card Details

Disability Details

UDID Card No	Issue date of UDID Card	Disability Type (Acc. To UDID Card)	Disability % as per UDID Card
MH0510619980008159	22-09-2017	Locomotor Disability	40.00

Nature of Disability

Category of Disability	Medical Diagnosis	Nature and Extent of Disability	Percentage of Benchmark Disability (where applicable)
Locomotor Disability (Lower Extremity-Stability Components)	Operated case of bilateral CTEV	Permanent	19.00

Note: The determination of eligibility has not been made solely on the basis of the diagnosis, category of disability, or percentage of benchmark disability.

Functional Competency Assessment

The Medical Assessment Board has assessed the candidate with reference to the essential competencies prescribed under the Competency Based Post Graduate Training Programme (CBPGT).

The Board records the following findings:

Remark : The candidate will be able to perform the essential competencies prescribed under the Competency Based Medical Education (CBME) Curriculum.

Assessment of Reasonable Accommodation

The Medical Assessment Board has considered the requirement and feasibility of providing reasonable accommodation, assistive technology, or other support measures.

If no accommodation is recommended, reasons :- The candidate will be able to perform the essential competencies prescribed under the Competency Based Medical Education (CBME) Curriculum.

Assessment of Ability to Complete the Medical Education Course

The Medical Assessment Board is satisfied that the candidate:

Point : Is capable of successfully completing the PG Course and acquiring the essential competencies prescribed under the CBME Curriculum.

Reasons :NA

Patient Safety Assessment

The Medical Assessment Board has evaluated whether the disability poses any demonstrable risk to patient safety.

Findings : No

Where any risk has been identified, whether such risk can be mitigated through reasonable accommodation:

Remarks : NA

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Final Determination 53

After considering—

(a) The candidates demonstrated functional competency;

(b) The feasibility of reasonable accommodation and assistive technology;

(c) The ability to successfully complete the Medical Education Course and acquire the prescribed competencies; and

(d) Considerations relating to patient safety,

The Medical Assessment Board hereby certifies that the candidate is:

Conclusion : Ineligible for Pwd Reservation

Reasons (to be recorded in accordance with Clause 12.4): Percentage of disability is below benchmark disability

Declaration of the Medical Assessment Board

The Medical Assessment Board certifies that this determination has been made after conducting an individualized assessment based on objective medical and functional evidence, taking into account the essential competencies prescribed under the Competency Based Medical Education (CBME) Curriculum, the feasibility of reasonable accommodation and assistive technology, and considerations relating to patient safety. The determination has not been based solely on the diagnosis, category of disability, or percentage of benchmark disability.

Name of Member	Designation	Signature
Dr Amit Mhambre	Member	06/10/26
Dr Sumedh More	Member	06.10.2026
Dr Priyanka Saikia Chaubey	Member	06/10/2026
Mr Rajan Harishchandra Bhartav	Member	06/10/2026
Dr Vivek Pusnake	Chairman	06/10/26

Disclaimer : This certificate has been generated as per details mentioned on UDID card, Affidavit submitted by the candidate and as per Functional Assessment done by the Board. In case the UDID Card submitted by the candidate is found to be 'FAKE', the seat of the candidate will be 'CANCELLED'; and legal action will be taken against the candidate. The disability certificate is valid for this academic session only.

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19. The same was affirmed by the appellate authority. A perusal of these opinions shows that the petitioner is considered functionally competent to pursue the course as well as the profession. However, the Medical Boards held her ineligible for PwBD reservation on the ground that her disability, as re-assessed by the Boards, fell below the 40% threshold

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required for reservation. In my view, the role of the Medical Board is confined to assessing the functional competency of the candidate. It cannot interfere with the disability recorded in the UDID card.

20. The same is in line with the RPwD Act and more particularly Sections 56, 57 and 59 which read as under:-

> *"56. The Central Government shall notify guidelines for the purpose of assessing the extent of specified disability in a person.*
>
> *57. (1) The appropriate Government shall designate persons, having requisite qualifications and experience, as certifying authorities, who shall be competent to issue the certificate of disability.*
>
> *(2) The appropriate Government shall also notify the jurisdiction within which and the terms and conditions subject to which, the certifying authority shall perform its certification functions.*
>
> *…*
>
> *59. (1) Any person aggrieved with decision of the certifying authority, may appeal against such decision, within such time and in such manner as may be prescribed by the State Government, to such appellate authority as the State Government may designate for the purpose.*
>
> *(2) On receipt of an appeal, the appellate authority shall decide the appeal in such manner as may be prescribed by the State Government."*

21. These provisions show that the UDID card has primacy. If any of the

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respondents is aggrieved by the UDID card, the remedy is to appeal against the decision of the certifying authority. It is not open to a Medical Assessment Board to disregard or reduce the recorded percentage at the stage of admission.

22. The same is also contained in the rule, 17, 18 and 19 of the Rights of Persons with Disabilities Rules, 2017 which read as under:-

> ***"17. Application for certificate of disability***.- *(1) Any person with specified disability may apply in Form IV for a certificate of disability and submit the application to-*
>
> *(a) a medical authority or any other notified competent authority to issue such a certificate in the district of residence of the applicant as mentioned in the proof of residence in the application; or*
>
> *(b) the concerned medical authority in a government hospital where he may be undergoing or may have undergone treatment in connection with his disability:*
>
> *Provided that where a person with disability is a minor or suffering from intellectual disability or any other disability which renders him unfit or unable to make such an application himself, the application on his behalf may be made by his legal guardian or by any organisation registered under the Act having the minor under its care.*
>
> *(2) The application shall be accompanied by-*
>
> *(a) proof of residence;*
>
> *(b) two recent passport size photographs; and*

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(c) aadhaar number or aadhaar enrollment number, if any.

Note. No other proof of residence shall be demanded from the applicant who has aadhaar or aadhaar enrollment number.

18. Issue of certificate of disability. *(1) On receipt of an application under Rule 17, the medical authority or any other notified competent authority shall, verify the information as provided by the applicant and shall assess the disability in terms of the relevant guidelines issued by the Central Government and after satisfying himself that the applicant is a person with disability, issue a certificate of disability in his favour in Form V, VI and VII, as the case may be.*

(2) The medical authority shall issue the certificate of disability within a month from the date of receipt of the application.

(3) The medical authority shall, after due examination-

(i) issue a permanent certificate of disability in cases where there are no chances of variation of disability over time in the degree of disability: or

(ii) issue a certificate of disability indicating the period of validity, in cases where there is any chance of variation over time in the degree of disability.

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(4) If an applicant is found ineligible for issue of certificate of disability. the medical authority shall convey the reasons to him in writing under Form VIII within a period of one month from the date of receipt of the application.

(5) The State Government and Union territory Administration shall ensure that the certificate of disability is granted on online platform from such date as may be notified by the Central Government.

19. Certificate issued under Rule 18 to be generally valid for all purposes*. -A person to whom the certificate issued under Rule 18 shall be entitled to apply for facilities, concessions and benefits admissible for persons with disabilities under schemes of the Government and of non-Governmental organizations funded by the Government."*

23. The observations of the Hon'ble Supreme Court in ***Om Rathod v. Director General of Health Services, (2024) 19 SCC 70***, at paragraphs 68 and 69, are also relevant and are reproduced as under:-

"68. We have noted above that Disability Assessment Boards must comply with rule of law principles by injecting transparency, fairness and consistency in their approach. The Boards must further elaborate on the reasons for the outcome of their assessment, in particular when they opine that the candidate is ineligible. The Disability Assessment Boards must focus on the functional competence of persons

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with disabilities and not merely quantify the disability. The quantification of disability is a task in need of a purpose within the human rights based model of disability. The functional competency approach to assessment for a medical course is globally recognised. To enable members of the Assessment Boards in effectively applying the functional competency test, they must be adequately trained by professionals and persons with disabilities or persons who have worked on disability justice. These trainings must be with a view to enhance the understanding of the Board members in assessing persons with disabilities and must not pathologize or problematize them.

69. The disability of a person is quantified at the time of availing a Unique Disability ID Card. The quantification of disability is moot at the point of admission to educational courses since the eligibility for a person to benefit from reservation may be evaluated using the quantification in the UDID Card. If a person with disability wants to have themself re-assessed so as to verify whether their disability falls within the prescribed parameters for reservation - they may choose to do so by updating their UDID Cards. The role of the Disability Assessment Boards must be tailored (with a functional competency approach) only for the course which the candidate seeks to pursue."

24. A perusal of the aforesaid Rules, Sections and the Judgment clearly show that the role of the Medical Assessment Board is only to consider

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the functional competency of a candidate and not to interfere with the percentage given in the UDID card. If the same is permitted, then the UDID card issued, by the authorities will become mere paper formalities and would be meaningless. The same is not the mandate of the RPwD Act.

25. For these reasons, the Eligibility Certificate dated 06.10.2026 issued by the Medical Assessment Board, AIIPMR, Mumbai and Medical Opinion on Appellate Reassessment dated 09.10.2026 of the Appellate Board are set aside.

26. Since Round 1 of counselling is over, the respondents shall permit the petitioner to participate in the second and third rounds and the mop-up round, if any, in accordance with her rank and entitlement under the PwBD category, treating her disability as recorded in her UDID card.

27. The writ petition is allowed and disposed of in the above terms. Pending applications, if any, stand disposed of.

JASMEET SINGH, J

NOVEMBER 3, 2026/NR

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