



HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Civil Writ Petition No. 16500/2025

Ocean Gupta D/o Shri Mahendra Gupta, aged about 19 years,
(Neet Roll Number-3902107290) (Pwdb Candidate) Resident of
B- 125, Karni Nagar, Near Lalgarh Palace, Bikaner (Raj.).

-----Petitioner

Versus

1. State of Rajasthan through its Principal Secretary,
Department of Medical Education, Govt Secretariat,
Jaipur.
2. Union of India through its Secretary, Ministry of Health
and Family Welfare, DGHS, Medical Counselling
Committee, Nirman Bhawan, New Delhi 110011.
3. National Medical Commission, through its Secretary
(Undergraduate Medical Education Board), Sector 8,
Pocket 14, Phase-1, Dwarka, New Delhi 110077.
4. The Chairman, Neer UG Medical and Dental
Admission/counseling Board-2025, Neet-2025, Sms
Medical College, JLN Marg, Jaipur
(www.rajugneet2025.com).
5. The Sawai Man Singh/sms Medical College, through its
Principal and Controller, Jln Marg, Jaipur.
6. The Chief Medical and Health Officer, Bikaner (Raj.).
7. The Principal/ Director, Lady Hardinge Medical College,
New Delhi (Registraracademiclhmc@gmail.com).
8. The Principal and Controller, SP Medical College, Bikaner.

-----Respondents

For Petitioner(s)	:	Mr. Yash Pal Khileree
For Respondent(s)	:	Mr. N.S. Rajpurohit, AAG with Mr. Sher Singh Rathore. Mr. B.P. Bohra, Sr.G.C. Mr. Achraj Singh Saluja for Mr. R.S. Saluja for respondent-NMC

**HON'BLE DR. JUSTICE NUPUR BHATI****Judgment****10/11/2025****Reportable**

1. An application (No.01/2025), filed by the petitioner for substituting name of respondent No.2-"Union of India through its Secretary, Ministry of Health and Family Welfare, DGHS, Medical Counselling Committee, Nirman Bhawan, New Delhi-110011" from "Union of India, through its Director General, Directorate General of Health Services, Medical Counselling Committee, Govt. of India, Nirman Bhawan, New Delhi-110011" from the array of party respondents in the writ petition, is allowed for the reasons mentioned therein.

2. The amended cause title, as already filed, is taken on record.

3. By way of present writ petition under Article 226 of the Constitution of India, the petitioner challenges the action of respondent No.4 in denying consideration under the 'PwBD Category', despite the petitioner possessing a Unique Disability ID issued by the Department of Empowerment of Persons with Disabilities and a Certificate dated 28.07.2025 issued by respondent No.7-Medical Board.

4. Following are the relief(s) sought by the petitioner:-

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a. The record of the case may kindly be called for:

b. The petitioner may kindly be declared eligible for admission in NEET-UG course-PwBD 2025/ MBBS course under the Specially Abled (Girls)/ SAG category after considering certificate dated 28.07.2025 Annex.12 issued by the designated disability certification centre i.e. Lady Hardinge Medical College and Associated Hospital, New Delhi:

c. The respondent counselling board may kindly be directed to include the name of petitioner in the impugned provisional combined revised merit PwD list (Counselling



round-1) dated 12.08.2025 Annex.16 as per her merit position and. allot her the govt. seat of MBBS course at SP Medical College, Bikaner forthwith;

d. The impugned order, if any, issued by the respondent counselling board may kindly be summoned from the respondent and same may kindly be quashed and set aside with all consequential to follow;

e. Strict and appropriate action may kindly be taken against the respondent no.5 the Counselling Board for not considering the PwBD certificate dated 28.07.2025 Annex.12 (which makes the petitioner eligible for PWD reservation for admission in the NEET UG-2025-26) issued by competent Govt. Designated Disability Certification Centre as per the guidelines of NMC and the directives issued by the Hon'ble Apex Court in the case of Om Rathore vs DGHS Annex.7.

f. The respondents may kindly be directed to allow the petitioner to participate in. the counseling process and consider her candidature under PwBD category in the first-round counselling and grant her admission under Govt. Seat quota in the NEET-UG course/ MBBS Course-2025:

g. Any other appropriate order or directions, which this Hon'ble Court deems just and proper in the facts and circumstances of the case, may kindly be also passed; and

h. The petitioner may kindly be allowed the cost of writ petition.

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5. Brief facts of the case are that the petitioner is a person with benchmark disability as defined under Section 2(r) of the Rights of Persons with Disabilities Act, 2016 (For the sake of brevity "the Act of 2016"). She suffers from Locomotor Disability in the form of a non-functional left thumb, Transverse Deficiency of the right thumb, and Dwarfism, along with low vision due to an artificial left eye. The competent Medical Board of the Government of Rajasthan issued a permanent Disability Certificate (Form-IV) dated 25.05.2023 (Annex.1), certifying her as a person with benchmark disability. It is further averred in the writ petition that under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (For the sake of brevity "the Act of 1955"), the term "Locomotor Disability" was not defined in detail. However, after the enactment of the Rights of Persons with Disabilities Act, 2016, the scope of locomotor



disability was expanded to include cerebral palsy, leprosy-cured, dwarfism, acid attack victims, and muscular dystrophy. In view of the said amendments, the petitioner obtained a Digitalized Disability Certificate dated 30.06.2025 (Annex.6) issued by the competent Medical Board of the Government of Rajasthan.

6. The petitioner has passed her Senior Secondary Examination with Science (Biology), primarily as her subject. The National Testing Agency (NTA), New Delhi, issued the Information Bulletin for NEET (UG)-2025 for admission to undergraduate medical courses (MBBS/BDS). As per the said bulletin, candidates claiming benefits under the Persons with Benchmark Disabilities (PwBD) category were required to fulfill eligibility conditions prescribed by the respondent No.4-National Medical Commission (NMC). The petitioner applied for NEET (UG)-2025 under the PwBD category and was issued Admit Card bearing Roll No.3902107290. She appeared in the examination held on 04.05.2025 and secured 253 marks out of 720; thereby, obtaining 1078 Rank in the PwBD category. The cut-off marks for UR-PwBD category were 143-127. After declaration of the result, the petitioner applied for a Unique Disability ID ('UDID') through the official portal of the Department of Empowerment of Persons with Disabilities (DEPwD).

7. The competent Medical Board of the Government of Rajasthan issued a fresh certificate dated 30.06.2025 certifying 72% permanent disability, and the petitioner was allotted UDID number being No.RJ9350120060023055. While issuing directions regarding admission of PwBD category candidates in medical courses through NEET, Hon'ble Apex Court passed the judgment in the case of **Om Rathod v. The Director General of Health**



Services & Ors. : 2024 INSC 836. Complying with the aforesaid judgment, the Directorate General of Health Services (DGHS) and Medical Counselling Committee (MCC) issued a Notice dated 21.07.2025 enclosing the NMC Guidelines dated 18.07.2025 for admission to MBBS courses under the PwBD quota for the Academic Year 2025–26. The said guidelines clarified that all candidates possessing a valid UDID card and fulfilling NEET–UG eligibility criteria shall be considered under the PwBD category. The National Medical Commission (NMC) also issued a Public Notice dated 19.07.2025 (Annex.9), reaffirming the same position.

8. Thereafter, the State Counselling Board issued a Notification dated 26.07.2025 prescribing the schedule and procedure for counselling and admission to MBBS/BDS courses for the academic session 2025–26. The petitioner completed her online registration on 28.07.2025 and deposited the requisite registration fee of Rs.2,500/–. Thereafter, the petitioner had earlier approached this Hon'ble Court by filing *S.B. Civil Writ Petition No.12127/2025 : Ocean Gupta v. Union of India & Ors.*, which was disposed of vide order dated 28.07.2025 with a direction to re-evaluate the petitioner's eligibility in light of the latest NMC guidelines and the Public Notice dated 19.07.2025.

9. Pursuant to the said direction, the petitioner appeared before the Designated Disability Board at Lady Hardinge Medical College and Associated Hospitals (LHMC), New Delhi on 26.07.2025, where she was examined by a team of specialists. After due examination, the LHMC issued a PwBD Certificate dated 28.07.2025, categorically stating that the petitioner is "Eligible for



PwBD Reservation.” On 01.08.2025, the Provisional Seat Matrix (Round-1) was published showing 89 seats reserved for Specially Abled Boys (SAB) and 30 seats for Specially Abled Girls (SAG) across Government Medical Colleges in Rajasthan. Thereafter, a Provisional Combined List (PwBD) for Round-1 Counselling was issued on 03.08.2025; wherein, the petitioner’s name appeared at Serial No.31. The petitioner’s name also appeared at Serial No.11361 in the overall combined merit list. Pursuant thereto, she appeared before the State Counselling Board, Jaipur on 04.08.2025 and submitted all relevant documents including her LHMC certificate. Despite submission of all valid certificates, the officials of the Counselling Board verbally refused to consider the petitioner’s candidature under the PwBD category on the ground of her “multiple disabilities,” and directed her to leave the premises. No written order was supplied to her. Subsequently, a Revised PwBD Merit List (Round-1) was issued on 12.08.2025; wherein, the petitioner’s name was omitted without assigning any reason. Only 68 candidates were included in the revised list; whereas, had the petitioner been included, her name would have appeared at Serial No.26.

10. Thereafter, a Revised Notification dated 18.08.2025 was issued, fixing 26.08.2025 as the last date for reporting at the allotted colleges. The Provisional Allotment List (Round-1) published on the same date revealed that several PwBD candidates with lesser marks than the petitioner were granted admission, while four PwBD (Girls) seats remained vacant at Bikaner, Jodhpur, and Ajmer. The NMC Guidelines dated 18.07.2025 provided that all candidates possessing a valid UDID



card and fulfilling NEET-UG eligibility shall be considered under the PwBD category, and that, there is no prohibition against candidates having locomotor disabilities affecting upper limbs. Despite her disabilities, she has qualified the NEET (UG)-2025 examination, however, she was excluded from the said PwBD merit list. Though, the petitioner repeatedly requested a copy of the rejection order, no written communication has been furnished till date.

11. To the utter shock and surprise, the petitioner was informed orally that the rejection would be issued only after completion of the admission process. Aggrieved by the aforesaid action of the respondents in excluding her from consideration for admission to the MBBS course under the PwBD category despite having been declared eligible by the designated Disability Board, the petitioner has preferred the present writ petition.

12. Mr. Yashpal Khileree, learned counsel representing the petitioner, makes following submissions:-

(a) The petitioner is a person with benchmark disability having locomotor and visual disabilities, with an overall permanent disability of 72%, as certified by the competent Medical Board of the State of Rajasthan under the Rights of Persons with Disabilities Act, 2016 and its Rules, 2018.

(b) The certificate dated 30.06.2025 (Annex.6) issued by chief medical & health officer, Bikaner Rajasthan confirms her non-functional left thumb, transverse deficiency of right thumb, dwarfism, and artificial left eye. Under Clause 6.5 of the Information Bulletin issued by the National Testing Agency, 5% of seats are reserved for PwBD candidates in NEET-UG admissions.



(c) In compliance with the judgment of the Hon'ble Supreme Court in *Om Rathod (supra)*, the National Medical Commission issued a guideline dated 18.07.2025 prescribing the method of assessment for PwBD candidates. The Medical Counselling Committee, vide its notice dated 21.07.2025, also reiterated that only disability certificates issued by one of the 16 designated Disability Certification Centres would be valid for admission to MBBS courses.

(d) In accordance with these directions, the petitioner appeared before the Lady Hardinge Medical College, New Delhi—one of the 16 designated centres—and underwent a detailed two-day medical and physical examination. The designated centre issued a PwBD certificate dated 28.07.2025 (Annex.12), opining that "the candidate is able to perform the functional competencies as per the affidavit submitted by her" and concluding that she is "eligible for PwBD reservation."

(e) The State NEET UG Medical and Dental Admission / Counselling Board-2025 adopted the same guidelines of the NMC and MCC in its Information Booklet. The petitioner's name appeared at Serial No.31 in the provisional State PwBD merit list dated 03.08.2025 (Annex.15), and she was directed to produce the certificate issued by Lady Hardinge Medical College. The petitioner duly submitted the certificate dated 28.07.2025 (Annex.12) before the Board at Jaipur on 04.08.2025. However, the Board verbally refused to recognize her PwBD status merely because of her multiple disabilities, without conducting any examination or assigning any reason. Subsequently, in the revised



PwBD merit list dated 12.08.2025 (Annex.16) her name was removed arbitrarily.

(f) In the impugned allotment list dated 18.08.2025 (Annex.17), several candidates with lower NEET scores than the petitioner were included under the PwBD category, while she was excluded without justification. As per the same list, two seats under PwBD (girls) category remain vacant at SP Medical College, Bikaner, and one seat each at SN Medical College, Jodhpur, and JLN Medical College, Ajmer, are also lying vacant. The petitioner's name, if included, would have fallen at Serial No.26 in the merit order and she would have been entitled to allotment of a government seat under PwBD quota.

(g) It is significant that the Medical Counselling Committee, during both the first and second rounds of AIQ counselling, recognized the petitioner's certificate and considered her under the General PwBD category. She was allotted a government seat at Government Medical College, Kota, by the MCC in recognition of her eligibility. This establishes that her certificate issued by the Lady Hardinge Medical College was duly valid and accepted by the competent central authorities. In the State of Rajasthan, only SMS Medical College, Jaipur, has been designated by MCC as an authorized certification centre. However, even SMS Medical College is not authorized to certify disabilities such as dwarfism or neurological/orthopedic impairments, as per Annexure-1A to the Board's own Information Booklet. Therefore, the State Board had no authority or jurisdiction to re-examine or question the petitioner's certificate issued by a designated national centre.



(i) Pursuant to the interim vide order dated 28.08.2025, this Hon'ble Court granted interim relief permitting the petitioner to participate in the 2nd round of State Counselling for NEET (UG)-2025, without creating any equity or right to admission without prior leave of the Court. The said interim order is still in operation.

13. Mr. N.S. Rajpurohit, learned Additional Advocate General assisted by Mr. Sher Singh Rathore, Advocate, representing the respondent No.1-State, on the contrary, makes following submissions:

(a) In pursuance of the directions issued by the Hon'ble Supreme Court in *Om Rathod (supra)* and in accordance with the guidelines of the NMC dated 18.07.2025, as well as the public notice issued by the Medical Counselling Committee dated 21.07.2025 (Annex.8), the State of Rajasthan was duly authorized to conduct functional ability assessment of PwBD candidates seeking admission under the 85% State Quota. The said public notice dated 21.07.2025 (Annex.8) clearly provides that candidates who wish to avail PwBD seats under the State Quota may visit the State Disability Board for obtaining the requisite certification, and the evaluation shall be conducted as per NMC guidelines.

(b) In accordance with the said procedure, the petitioner, who wished to avail admission under the State Quota, was directed to appear before the Medical Board constituted for medical and functional assessment to seek second opinion. When the petitioner appeared before the Medical Board on 04.08.2025, a thorough medical and functional evaluation was conducted in line with prevailing protocols for assessing PwBD candidates seeking



admission to the MBBS course. Based on these detailed assessments, the Medical Board opined that, owing to the petitioner's particular disabilities, her ability to perform core activities related to patient safety and the clinical competence required in the MBBS curriculum would likely be compromised. Consequently, the Board concluded that the petitioner did not possess the requisite functional ability for safe and effective participation in both academic and clinical components of the medical course, and was therefore not competent to be admitted under the PwBD quota (Annex. R/1 & R/2).

(c) The evaluation conducted by the Medical Board was strictly in conformity with the public notice dated 21.07.2025 (Annex.8) and the NMC guidelines dated 18.07.2025. The Medical Board constituted for such examination is among the recognized and competent authorities duly empowered to assess the disability of candidates seeking admission under the State Quota.

(d) The information booklet issued by the State Government for NEET-UG Counselling 2025 specifically refers to the public notice dated 21.07.2025 (Annex.8) and provides that functional ability evaluation for PwBD candidates shall be conducted by the competent State Medical Board as per NMC norms. The assessment of the petitioner was thus carried out by a duly constituted board having requisite expertise and jurisdiction to undertake such functional evaluation.

(e). The opinion of the competent medical authority, being expert in nature, carries presumption of correctness and objectivity. The petitioner has not placed on record any material to demonstrate that the opinion rendered by the State Board is mala fide,



arbitrary, or contrary to NMC guidelines. Therefore, the action of the State authorities in refusing admission to the petitioner under the PwBD category is legal, justified, and in consonance with the applicable regulations and guidelines. The State Government has acted within its jurisdiction and in compliance with the directions of the Hon'ble Apex Court as well as the NMC norms governing admission of PwBD candidates in medical courses.

(f) In these circumstances, the writ petition filed by the petitioner is devoid of merit and deserves to be dismissed. The findings of the competent Medical Board being expert in nature, no interference is warranted in the considered decision of the State authorities.

14. Mr. B.P. Bohra, learned Senior Panel Counsel, representing the respondent No.2-Union of India, makes following submissions:

(a) The MCC/DGHS is conducting Counselling for 15% AIQ, 100% Deemed Universities, Central Universities (Delhi University, AMU & BHU including Institutional/ Domicile Quota), 100% ESIC, AFMC (only Registration Part) & LP University (VMMC & SJH and ABVIMS & RML & ESIC Dental, Delhi (15% AIQ + 85% Institutional Quota) 100% AIIMS & 100% JIPMER.

(b) That the role of MCC of DGHS is limited to allotment of seats to the participating candidates, as per their merit and choice, which starts only after receiving the list/data/Information of successful candidates from National Testing Agency i.e. the NEET (UG) examination conducting body.

(c) It is pertinent to mention that the prayer of the petitioner pertains to adding of her name in the PWD Quota list in counselling which is held by State Counselling Authority i.e.



respondent-4. It is mentioned that in AIQ Quota there is no list for participation in PwBD Quota. The candidate who wishes to participate in PwD Quota has to get themselves examined at the disability centres mentioned on the website of the answering respondent. It is mentioned that since the prayer of the petitioner pertains to State Counselling Committee hence, Respondent no. 1 state is at better pedestal to answer the prayer of the petitioner.

(d) It is also mentioned that certificates issued by disability centres are valid for participation in AIQ Counselling. It is mentioned that there is no bar on the State Counselling authorities to accept the certificates issued. It is mentioned that state may provide a disability centre of their own.

15. Mr. Achraj Saluja, Advocate, representing the respondent No.3-NMC, chooses not to file reply, however, has instructions to submit that the petitioner has been issued a PwBD certificate dated 28.07.2025 (Annexure-12) by Lady Hardinge Medical College & Associated Hospitals, New Delhi, which categorically certifies her functional ability and the respondent-State is bound by the said certificate and is not competent to make any contrary determination or declaration regarding the petitioner's disability status.

16. I have heard and considered the submissions advanced at Bar by the learned counsel representing the parties and have gone through the material available on record as well as the judgments cited.

17. It is an admitted and undisputed fact that the National Testing Agency (NTA) declared the result of NEET-UG 2025 on 14.06.2025 and issued a public notice to this effect. The petitioner



secured 253 marks out of 720 and was placed at rank No. 1078 in the PwBD category. The cutoff percentile and corresponding marks for the UR-PwBD category were declared between 143 and 127. The petitioner's scorecard dated 14.06.2025, placed on record as Annex.5, clearly establishes that she qualified in NEET-UG 2025 well above the prescribed cutoff and fulfilled the eligibility criteria for consideration under the PwBD category. This factual position being fully borne out from official records, there remains no dispute regarding her qualification and eligibility to participate in the NEET-UG 2025 counselling process.

18. As per the Information Bulletin of NEET (UG)-2025 (Annex.3), the Medical Counselling Committee (MCC) has designated 16 authorised centres, each entrusted with the responsibility of assessing disabilities in accordance with prescribed norms. The relevant guidelines are reproduced here that is on page no.33 of Information Bulletin Chapter 6: Counselling and Reservation for Admission to MBBS, BAMS, BUMS, BSMS and BDS Course:-

6.2 Reservation Policy for Admission to MBBS and BDS Course reads as under:-

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i. Candidates who want to avail the benefits of PwBD reservation in admission to Undergraduate Courses, it will be governed as per NMC guidelines (Appendix-VI) and subsequent amendments from time to time.xxxx"

Guidelines regarding admission of students with "Specified Disabilities" under the Rights of Persons with Disabilities Act, 2016 with respect to admission in MBBS Course.

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Appendix VI deals with Graduate Medical Education Regulations Guidelines regarding admission of students with "Specified Disabilities" under the Rights of Persons with Disabilities Act, 2016



with respect to admission in MBBS Course, the note reads as under :-

Note: 1. The "Certificate of Disability" shall be issued in accordance with the Rights of Persons with Disabilities Rules, 2017 notified in the Gazette of India by the Ministry of Social Justice and Empowerment [Department of Empowerment of Persons with Disabilities (Dhyangjan)] on 15th June 2017.

2. The extent of "specified disability in a person shall be assessed in accordance with the "Guidelines for the purpose of assessing the extent of specified disability in a person included under the Rights of Persons with Disabilities Act, 2016 (49 of 2016)" notified in the Gazette of India by the Ministry of Social Justice and Empowerment (Department of Empowerment of Persons with Disabilities (Divyangjan)) on 4th January 2018.

3. The minimum degree of disability should be 40% (Benchmark Disability) in order to be eligible for availing reservation for persons with specified disability.

4. The term 'Persons with Disabilities (PWD)' is to be used instead of the term 'Physically Handicapped' (PII).

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Appendix VII-B of the Information Bulletin for NEET-UG 2025 (Annex.3) mentions the list of 16 Disability Certification Centres designated to issue Disability Certificates to PwBD candidates, as per NMC norms, in support of their claim to avail the 5% PwBD reservation in UG/Broad Speciality PG courses. It is also not disputed that the petitioner does not possess a valid PwBD certificate issued by one of the designated centre, as the certificate has been duly issued by designated Lady Hardinge Medical College, dated 28.07.2025 (Annex.12). The certificate declares her functionally competent and eligible for PwBD reservation in medical education for AIQ.

19. Learned AAG had submitted that that the second opinion was sought regarding certain Physically handicapped (PH) candidates looking to the disability and the incompetency apparently visible and medical board was constituted on 04.08.2025 by which second opinion regarding functional





competence of the seven candidates including petitioner was taken and remark was given (Annexure R/2) — which stated that “activities for patient safety and clinical competence in medical education as per requirements will be compromised, and the candidate is unable to meet the functional ability required for academic and clinical demands of the MBBS course”, however, the learned AAG has not been able to demonstrate that such second opinion was rendered by a State Medical Board constituted in pursuance of NMC guidelines. In this regard, the Court takes note of the public notice dated 21.07.2025 (Annex.8), which confer authority upon the State to constitute a State Medical Board for such evaluations. The relevant portion reads as follows:

“Candidates who wish to avail PwBD seats under the 85% State quota may approach the State Disability Boards for obtaining the requisite certificates. However, the evaluation shall be conducted by the State Disability Boards strictly in accordance with the NMC Guidelines (2025).”

This clearly shows that any assessment of disability or functional ability must be carried out by a State Medical Board constituted in compliance with the NMC Guidelines, and not by any other authority or Medical board. It is further noted that the second opinion relied upon by the respondent-State stands in direct contradiction to the disability certificate issued by LHMC, New Delhi, which is one of the centres designated by the NMC for assessing disabilities, as mentioned in the NEET (UG) 2025 Information Bulletin, Appendix VII-B, at S. No. 15. The said certificate, dated 28.07.2025 (Annex.12), expressly declares the petitioner to be functionally competent and eligible for consideration under the PwBD reservation category in medical education for taking admission in AIQ. Taking into consideration



the submission made by the learned counsel for NMC and the guidelines (Annex.3), this Court observes that the State is bound by the Disability Certificate issued by the designated centre and cannot take a contrary view or obtain a second opinion so as to deny the validity of such certificate and thus, the second opinion, being inconsistent with and contrary to the findings of a designated NMC centre, cannot be given any credence or relied upon, particularly in the absence of a proper evaluation conducted by a duly constituted State Medical Board. However, the State could have referred the petitioner to the State Medical Board in consonance with the NMC guidelines; instead, the respondent-State failed to constitute the said Board and subjected the petitioner to a second opinion given by some other medical board. This court takes into consideration the relevant guidelines (Annex.3), which are reproduced here in below:

“6: Counselling and Reservation for Admission to MBBS, BAMS, BUMS, BSMS and BDS Course:-

6.5 Guidelines for PwBD Candidates (For Admission purpose)

e. It is further clarified that the certificates issued by the authorized designated for the purpose by DGHS, shall only be considered for admission to the medical courses and no other certificate issued by any other Government Medical College/District Hospital/Government Hospital will be accepted.”

Therefore, in the present circumstances, once the guidelines have clarified that the disability certificate must be issued by the designated centre for assessing a candidate's competency to pursue the medical courses, and only that certificate can be considered. Consequently, the State has no authority to disregard or reject the said certificate. Particularly in the present case, the State has failed to designate the State Board, thus the





respondents are under an obligation to consider the said certificate and therefore cannot discard it.

20. Also, there is nothing on record to show that the respondent-State has designated or constituted medical colleges or medical boards within the State authorized to assess such disabilities for the purpose of State quota admissions. In absence of any such list or notification, it was incumbent upon the State to accept a valid certificate issued by a designated centre. The State's omission to notify its own disability assessment centres, coupled with its refusal to recognize a valid medical certification from a designated NMC centre, amounts to arbitrariness and it negates the constitutional guarantees under Articles 14 and 15, the mandate of equal opportunity under Article 21, and the statutory rights of persons with disabilities under Sections 16 and 32 of the Rights of Persons with Disabilities Act, 2016.

21. The Apex Court in Om Rathore case (***Supra***) has unequivocally held that functional assessment cannot be substituted by arbitrary opinions. Once the competent medical authority certifies a candidate as functionally fit to undertake the medical curriculum, the counselling authority must act in accordance with such certificate. This Court is, therefore, constrained to hold that the respondent-State exceeded its jurisdiction in ignoring the petitioner's certificate and excluding her from the PwBD merit list without due justification. The State's decision to subject the petitioner to a second medical opinion effectively deprives her of her lawful right to seek admission under the reserved category.



22. This Court is conscious of the settled legal position that, in a catena of judgments, the Hon'ble Apex court has emphasised the constitutional mandate of ensuring full and effective participation of persons with disabilities in all spheres of life. The Hon'ble Apex Court has consistently underscored the importance of a valid disability certificate, the principle of reasonable accommodation, and the imperative of inclusion of persons with disabilities in society through meaningful measures such as reservation in education and public employment. In view of these authoritative pronouncements, this Court considers it appropriate to refer to and rely upon certain judgments of the Hon'ble Apex court which illuminate the scope, purpose, and protective framework of the rights conferred upon PwBD candidates.

The Hon'ble Apex Court, in Om Rathod (***Supra***) has categorically laid down the guidelines to be followed for assessing functional disability, as set out in paragraph 60 of the judgment, which reads as follows:-

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60. We further conclude as follows:

- a. The second Respondent shall issue fresh guidelines for admitting persons with disabilities into medical courses. The committee formulating the guidelines must include experts with disability or persons who have worked on disability justice. The guidelines shall comply with the judgments of this Court and contemporary advancements in disability justice;
- b. The Disability Assessment Boards shall eschew from a benchmark model to test the functional competence of medical aspirants with disability. The second Respondent shall issue appropriate guidelines in this regard; a. The Disability Assessment Boards shall include a doctor or health professional with disability as per the directions of the first Respondent dated 24 March 2022;
- c. The conduct of the Disability Assessment Boards shall be fair, transparent and in compliance with principles of the rule of law. Attention must be paid to ensure that candidates appearing before the Board do



not feel uncomfortable on account of physical or attitudinal barriers;

d. Reasonable accommodation is a gateway right to avail all other fundamental, human and legal rights for persons with disabilities. Non-availability of reasonable accommodation amounts to discrimination and violates substantive equality of persons with disabilities;

e. The inclusion of persons with disability in the medical profession would enhance the quality of healthcare and meet the preambular virtue of fraternity and the guarantees in Articles 21, 19, 14 and 15 of the Constitution;

f. Applicants to the NEET examination must be informed about the compliance of accessibility norms and provisions of reasonable accommodation available at colleges. The Respondents shall issue appropriate directions to create a database with relevant information on accessibility and reasonable accommodation; and

g. Enabling Units at medical colleges shall act as points of contact for persons with disability desirous of accessing clinical accommodations.

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The Hon'ble Apex Court in the case of **Anmol vs. Union of India:**

2025 INSC 256, has held as under:

"19. Relying on the judgment in *Vikash Kumar v. Union Public Service Commission & Ors.*, (2021) 5 SCC 370 and expanding on the concept of reasonable accommodation elucidated therein, this Court in *Omkar Ramchandra Gond* (supra) held as under :

"46. Disabilities Assessment Boards are not monotonous automations to just look at the quantified benchmark disability as set out in the certificate of disability and cast aside the candidate. Such an approach would be antithetical to Article 14 and Article 21 and all canons of justice, equity and good conscience. It will also defeat the salutary objectives of the RPwD Act. The Disabilities Assessment Boards are obliged to examine the further question as to whether the candidate in the opinion of the experts in the field is eligible to pursue the course or in other words, whether the disability will or will not come in the way of the candidate pursuing the course in question." (Emphasis supplied)

63. In the specific context of disability, the principle of reasonable accommodation





postulates that the conditions which exclude the disabled from full and effective participation as equal members of society have to give way to an accommodative society which accepts difference, respects their needs and facilitates the creation of an environment in which the societal barriers to disability are progressively answered. Accommodation implies a positive obligation to create conditions conducive to the growth and fulfilment of the disabled in every aspect of their existence whether as students, members of the workplace, participants in governance or, on a personal plane, in realising the fulfilling privacies of family life. The accommodation which the law mandates is "reasonable" because it has to be tailored to the requirements of each condition of disability. The expectations which every disabled person has are unique to the nature of the disability and the character of the impediments which are encountered as its consequence."

The Hon'ble Apex Court in the case of **Kabir Paharia vs. National Medical Commission and Others: 2025 INSC 623**

has held as under:

"9. Manifestly, in view of the observations made by us in the order dated 2nd April, 2025 and the consequent successful assessment of the appellant by the Medical Board, AIIMS, New Delhi vide report dated 24th April, 2025, the denial of admission to the appellant in the MBBS UG course was grossly illegal, arbitrary and violative of the appellant's fundamental rights as guaranteed under Articles 14 and 16 of the Constitution of India. Such action not only reflects institutional bias and systemic discrimination but also undermines the principles of equal opportunity and non-discrimination enshrined in our constitutional framework. The constitutional mandate of substantive equality demands that person with disabilities (for short 'PwD') and PwBD be afforded reasonable accommodations rather than subjected to exclusionary practices based on unfounded presumptions about their capabilities.

15. The constitutional promise of equality is not merely formal but substantive, requiring the State to take affirmative measures to ensure that PwD and PwBD can meaningfully participate in all spheres of life, including professional education. We emphasize



that reasonable accommodation is not a matter of charity but a fundamental right flowing from Articles 14, 16, and 21 of our Constitution. When administrative authorities create arbitrary barriers that exclude qualified PwBD candidates, they not only violate statutory provisions but also perpetuate the historical injustice and stigmatisation. The fundamental rights and the dignity of PwD and PwBD candidates must be protected by ensuring that assessment of their capabilities is individualised, evidence-based, and free from stereotypical assumptions that have no scientific foundation."

23. Vide order dated 28.08.2025 this Court granted interim relief to the petitioner to the effect that, in the event the respondents conducted the 2nd round of State Counselling for NEET (UG)-2025, the petitioner shall be permitted to participate therein; however, such participation shall not create any equity in her favour and no admission shall be granted to her without prior leave of this Court and the said interim order continues to operate in her favour. Learned AAG on instruction stated at bar that petitioner was permitted to take part in second round of counselling in compliance of order dated 28.08.2025 passed by this court and one seat has also been kept reserved for her.

24. This Court also finds it important to note that the petitioner was considered under the PwBD category by the Medical Counselling Committee (MCC) in both the first and second rounds of All India Quota counselling (Annex.19 & 20). Based on the same disability certificate dated 28.07.2025 issued by designated centre, the petitioner was found eligible and was even allotted a government seat at Government Medical College, Kota (Annex.20). This clearly shows that the Directorate General of Health Service (DGHS) counselling authority accepted her certificate as valid and recognized her functional ability to pursue



the MBBS course whereas shockingly respondent-State has denied to accept the said certificate without any basis. Once the same certificate has been accepted for PwBD AIQ admission, it is wholly unreasonable and unjust for the State authorities to disregard the same certificate for State quota admission. The process of medical admissions, whether for All India or State quota, is governed by the same NMC guidelines. Therefore, it cannot be logically or legally sustained that the petitioner is deemed functionally competent to pursue admission under the AIQ, yet simultaneously considered ineligible for admission under the State Quota for the very same MBBS course. Such an inconsistent approach of the respondent-State is wholly arbitrary and unsustainable in law. Such inconsistency not only undermines the uniform standards prescribed by the NMC but also violates the principles of fairness and equality guaranteed under Article 14 of the Constitution of India.

25. In view of the above observations and discussion, the writ petition is allowed. The impugned action of the respondents, based on second opinion dated 04.08.2025 (Annex.R/2) of the Medical Board, is hereby quashed and set aside. Consequently, the action of the respondent-Counseling Board in excluding the petitioner from the PwBD merit list dated 12.08.2025 (Annex.16) is also declared illegal, arbitrary, and unjust. In compliance of interim order dated 28.08.2025, the petitioner was permitted to appear in the second round of counselling, wherein the petitioner was declared successful, and one seat has been reserved for the petitioner, the respondents are, therefore, directed to allot college



to the petitioner strictly in accordance with her merit and also give her admission in the said college forthwith.

26. Stay petition as well as all other pending application(s), if any, also stand disposed of. No order as to costs.

(DR. NUPUR BHATI),J

211-Sumit/-

