



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2025

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THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

Writ Petition No.5209 of 2025 and Writ Miscellaneous Petition No.5791 of 2025

Tarigonda Surya Maheedhar

... Petitioner

..Vs..

1. The Union of India Represented by its Joint Secretary, Ministry of Health and Family Welfare, Having office at, Nirman Bhawan, New Delhi - 110011

2.Office of Medical Counselling Committee (MCC) Represented by the Director General, Directorate General of Health Services (DGHS), Ministry of Health and Family Welfare, Government of Health Having office at Nirman Bhawan, New Delhi – 110108.

3. National Medical Commission,, Represented by its Secretary, Having office at, Pocket-14, Sector 8, Dwaraka Phase-1, New Delhi – 110077.



4.Rajiv Gandhi Government General Hospital, Represented by its Regional Medical Board Having office at, GH Post Office, Poonamallee High Road, 3, Grand Southern Trunk Road, Park Town, Chennai, Tamil Nadu – 600003.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus to call for the records and proceedings of the impugned Disability Certificate dated 18.09.2024 issued by the 4th respondent herein and quash and set aside the same and consequently, direct the proper re-assessment by a duly constituted Medical Board to adjudge the petitioner disability in terms of the Post Graduate Medical Examination Regulation, 2023 and prevailing Guidelines, specifically with respect to the various specializations he could pursue, with reasonable accommodations, including assistive devices required, if any, especially in light of the fact that the petitioner seeks to become a doctor either in general medicine, dermatology, psychiatry or in other non-clinical and non-surgical fields.

For Petitioner : Mr.Sriram Venkatavardan

For Respondents : Mr.R.Rajesh Vivekananthan

Deputy Solicitor General of India for RR1 & 2

Ms. Shubharanjani Ananth, Standing Counsel for R3

Mr.K.Tippu Sultan,

Government Advocate for R4

Mr.M.T.Arunan for JIPMER

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ORDER

The instant writ petition has been filed to quash the impugned Disability

Certificate dated 18.09.2024 issued by the fourth respondent.

2. The petitioner is a differently-abled person. The learned counsel for the petitioner would submit that the petitioner completed his MBBS degree in China on 01.07.2019 and subsequently cleared the screening test for the Foreign Medical Graduate Examination conducted by the National Board of Examinations in 2020. Thereafter, he was granted a medical registration certificate by the Andhra Pradesh Medical Council on 27.10.2020. It is their further submission that on 10.07.2021, the petitioner unfortunately met with an accident and underwent a left above-elbow amputation, resulting in a one-arm disability. It is also further submitted that in spite of his disability, the petitioner appeared for the National Eligibility cum Entrance Test NEET - PG 2024, and secured a percentile score of 76.8745884, and obtained an All India Rank of 50084. Since the petitioner suffers a benchmark disability, he applied for the benefit of 5% reservation provided to persons with benchmark disabilities under Section 32(1) of the Rights of Persons with Disabilities Act, 2016.



2.1The learned counsel for the petitioner further submitted that though the petitioner's disability was assessed at 90%, the respondents, by the impugned assessment dated 18.09.2024, declared him functionally unfit to pursue Postgraduate medical course. He would further submit that, pursuant to the interim order of this Court, the petitioner was permitted to participate in the counselling process and was allotted MD Microbiology seat at Andhra Medical University. Simultaneously, by referring to the judgment of this Court in Omkar Ramachandra Gond vs. UOI, dated 14.02.2025, the petitioner was directed to appear before the Jawaharlal Institute of Postgraduate Medical Education and Research, Pondicherry (herein after referred as JIPMER) for reassessment of his functional disability. In compliance with the direction, JIPMER issued a Functional Disability Certificate on 04.06.2025, wherein the Expert opined that, the petitioner may not be fit to pursue MD Microbiology, whereas he is capable to undertake Psychiatry and other allied medical courses.

2.2 The learned counsel for the petitioner relied upon the recent Judgment of the Hon'ble Supreme Court *in Kabir Paharia vs. National Medical Commission and others* reported in 2025 SCC Online SC 1025 and



would contend that, if the respondent had assessed the petitioner's functional disability with due care, he would have been allotted a course in which a person with such disability could be substantially be productive in practice. However, the respondents failed to take a pragmatic approach, thereby rendering the valuable right of the petitioner, who had already secured a seat, become redundant. Hence, the petitioner seeks a direction from this Court to permit him to participate in the ensuing counselling based upon the rank obtained in NEET- PG 2024.

- 3.Per contra, the learned Government Advocate appearing on behalf of the contesting fourth respondent submitted that they are bound by the NMC guidelines, and the impugned report was prepared strictly in accordance with the NMC guidelines. Therefore, there is no merit in the present writ petition. Apart from that, the learned counsel for the NMC, by relying upon an e-mail communication from adgme@nic.in, submitted that the regulations do not provide for allotment of seats on the basis of a candidate's previous year NEET PG performance. Hence, the learned counsel prays to dismiss the writ petition.
 - 4. I also heard Mr.M.T.Arunan, learned counsel appearing on behalf of





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 - 5. I have given my anxious consideration to either side submissions and also perused the materials available on record.
 - 6. The petitioner has challenged the impugned order dated 18th September 2024 where the 4th respondent board has assessed the petitioner's disability at 90%. However, in the remarks it is observed as follows:

"LEFT SHOULDER DISARTICULATION DUE TO POST BURN SEZUELAE. THERE IS LOSS OF LEFT UPPET LIMB AT SHOULDER JOINT LEVEL INDEED PERCENTAGE IS MORE THAN 90 PERCENTAGE. HENCE CANDIDATE IS NOT FULFILLING ELIGIBILITY CRITERIA FOR NEET PG PWD RESERVATION."

7. Based upon the above observations, it was ultimately held that the petitioner is not eligible to pursue the Postgraduate course, which finding has been challenged before this Court. By order dated 14.02.2025 in W.M.P.No.5791 of 2025 in W.P.No.5209 of 2025, this Court directed the petitioner to appear before JIPMER for re-assessment of his functional



disability. For ready reference, this Court deems it appropriate to extract the

interim order of this Court in WMP No.5791 of 2025 in WP No.5209 of 2025

dated 14.02.2025.

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"The petition in WMP.No.5791 of 2025 is filed to pass an order of interim direction directing the 2nd and 3rd respondents to permit the petitioner to provisionally register and participate in the ongoing counselling process arising out the National Eligibility cum Entrance Test (NEET) PG 2024 pending disposal of the writ petition.

2. The petitioner secured his M.B.B.S. Degree from Hebei Medical University, International Education College. Shijiazhuang, P.R.China. On 01.07.2019, the petitioner passed the Screening Test (FMGE) for Foreign Medical Graduate Examination conducted by the National Board of Examinations for the June 2020 Session. Subsequently, the petitioner was issued the Medical Registration Certificate dated 27.10.2020 by the Andhra Pradesh Medical Council bearing Registration No.APMC/FMR/111141 stating his qualification as M.B.B.S. The petitioner met with an accident on 10.07.2021 and underwent an LT above Elbow Amputation, resulting in one arm disability. The petitioner despite his disability passed the National Eligibility cum Entrance Test (NEET) - PG 2024 on 11.08.2024, and obtained a percentile score of 76.8745884 and rank 50064. *The petitioner wanted to seek the benefit of 5% reservation* for persons with Benchmark Disabilities, as provided under Section 32 of the Rights of Persons with Disability Act, 2016. For the said purpose, the petitioner's disability was assessed and a Disability Certificate issued. At the time of Post-Graduate medical assessment, the Regulations, 2023 (PGMER 2023) were notified by the





Government of India, which laid down the guidelines and the criteria for eligibility under PwD category for medical courses. The relevant guidelines with regard to locomotor disability is as follows:

a.Less than 40% disability – Eligible for Medical course, Not Eligible for PwD Quota;

b.40% - 80% disability – Eligible for Medical Course and PwD Quota;

c.More than 80% - Not Eligible for Medical Course.

However, the said Guidelines also state that "[p]ersons with more than 80% disability may also be allowed on case to case basis and their functional competency will be determined with the aid of assistive devices if it is being used, to see if it is brought below 80% and whether they possess sufficient motor ability as required to pursue and complete the course satisfactorily."

3.Whileso, on 18.09.2024, the Regional Medical Board, Rajiv Gandhi Government General Hospital, the 4th respondent issued the "CERTIFICATE OF DISABILITY FOR NEET ADMISSIONS" to the petitioner, stating the following:

a.Disability Type: Physical Disability

b. Type of Disability : Locomotor Disability

c.Specified Disability: Amputation

d.Disability %: 90%

4. The Disability Certificate issued by the 4th respondent concluded that the petitioner was not eligible to pursue





medical course as per NMC norms. According to the petitioner, the assessment of disability was based on the Quantification of Disability and not the functional disability. The petitioner states that while issuing the Disability Certificate the fourth respondent, did not take necessary steps to adjudge his functional competency but merely on the basis of the quantification of disability opined that the petitioner was ineligible for medical course. The petitioner aggrieved by the erroneous and unscientific method of assessment of disability has filed the above writ petition for the aforesaid relief.

- 5. The Hon'ble Supreme Court of India in the case of **Omkar Ramchandra Gond Vs. Union of India and Others** reported in **2024 SCC Online SC 2860**, while considering the similar issue held as follows:
 - "48. While interpreting the Regulations and Guidelines, as provided in Appendix H-1 to the notification dated 13.05.2019, as they stood for the academic year 2024-25, we are constrained, keeping in mind the salutary object of the RPwD Act and Article 41 of the Directive Principles of State Policy, to direct that mere existence of benchmark disability of 40% or above (or such other prescribed percentages depending on the disability) will not disqualify a candidate from being eligible for the course applied for. The Disability Assessment Boards assessing the candidates should positively record whether the disability of the candidate will or will not come in the way of the candidate pursuing the course in question. The Disability Assessment Boards should state reasons in the event of the Disability Assessment Board concluding that candidate is not eligible for pursuing the course.
 - 49. The Disability Assessment Boards will, pending formulation of appropriate Regulations by the NMC, pursuant to the communication of 25.01.2024 by





the Ministry of Social Justice and Empowerment, keep in mind the salutary points mentioned in the said communication while forming their opinion.

50. Pending creation of the Appellate body, we further direct that such decisions of the Disability Assessment Boards which give a negative opinion for the candidate will be amenable to challenge in judicial review proceedings. The Court seized of the matter in the judicial review proceedings shall refer the case of the candidate to any premier medical institute having the facility for an independent opinion and relief to the candidate will be granted or denied based on the opinion of the said medical institution to which the High Court had referred the matter."

6.Following the aforesaid Judgment of the Hon'ble Supreme Court of India, a learned Judge of this Court in WMP.NO.1897 of 2022 in W.P.No.2177 of 2022 in his order dated 05.02.2025, directed the JIPMER, Puducherry to constitute a Disability Assessment Board and further directed that the Board shall include a Doctor or a Health profession in the PwD category, as directed by the Director General of Health and Services on 24.03.2022. The learned Judge thereafter issued certain directions in paragraph No.13 of the order. In consonance of the aforesaid order following directions are issued:

- "13.Registry is directed to mark a copy of this order to the Director, JIPMER, Puducherry. It is also open to the petitioner and the respective respondents to inform JIPMER about this order.
- (a) The Director of JIPMER shall constitute a Medical Board and inform the petitioner to appear before it within a period of four weeks from the date of





receipt of a copy of this order;

- (b) The Disability Assessment Board so constituted shall submit its report to this Court within a period of four weeks thereafter;
- (c) At the time of examination, the Assessment Board shall eschew from the Benchmark model and shall positively record whether the disability of the writ petitioner will or will not come in the way of the candidate pursuing the medical course.
- (d) In case the Disability Assessment Board comes to a conclusion that the candidate is not eligible, it shall specifically state the reasons as to why it is coming to the said conclusion;
- (e) The petitioner can communicate the order to JIPMER using the good offices of the Deputy Solicitor General of India, Madras High Court.

7.I am also inclined to issue an interim direction directing the second respondent to permit the petitioner to provisionally register and participate in the ongoing counselling process arising out the National Eligibility cum Entrance Test (NEET) PG 2024 pending disposal of the writ. It is made clear that the orders passed herein are subject to the result of the writ petition".

8. In pursuance thereof, JIPMER has submitted a report before this Court on 04.06.2025. For ready reference, this Court deems it appropriate to depicts the scanned image.





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भारत सरकार / GOVERNMENT OF INDIA

जवाहरलाल स्नातकोत्तर चिकित्सा शिक्षा एवं अनुसंधान संस्थान

(स्वास्थ्य और परिवार कल्याण मंत्रालय के तहत राष्ट्रीय महत्व का एक संस्थान) धन्वंतरि नगर, पुडुचेरी - 605006

JAWAHARLAL INSTITUTE OF POSTGRADUATE MEDICAL EDUCATION & RESEARCH(JIPMER)
(An Institution of National Importance under Ministry of Health & Family Welfare)
Dhanvantri Nagar, Puducherry- 605006.

与一/Phone (0413) 22723808/28/5/8。2596000. 2296500, 2272337, Fax: 0413-2272066/67 & 2272735

विभा / DEPARTMENT:

नहीं / No. No. H.O./JIP/M.B,/2025

तारीख / Date : 04.06.2025

OFFICE OF THE MEDICAL SUPERINTENDENT

Sub: Assessment Report of Dr. Tarigonda Surya Maheedhar - Reg. Ref: 1. Office Order No. Admin.I/Committee/2025 dated 26.02.2025 & Office Order No. Admin.I/Committee/2025 dated 13.03.2025.

A meeting was convened by the Medical Superintendent, pursuant to instruction of the Hon'ble Madras High Court, on 02.06.2025 with the members of the Medical Board duly constituted vide Ref No.1 and the heads of departments (or their nominees) to assess the suitability of the applicant, Dr. Surya Tarigonda Maheedhar, who has undergone left shoulder disarticulation some time earlier, to pursue post-graduate course in various broad specialties. It was decided that the assessment would be done by referring to the mandatory core competencies a postgraduate should be able to complete as listed in the "Guidelines for competency based PG programs" by the National Medical Council. The heads of departments also deliberated whether these competencies were achievable using an assistive device as commercially available in India at present.

Based on the clinical assessment of Dr. Surya Tarigonda Maheedhar and inputs from the various heads of departments (or their nominated faculty members) in JIPMER, the Medical Board after due deliberations submits the following.

- 1. The applicant, Dr. Surya Tarigonda Maheedhar may not have much difficulties in pursuing PG, both degree and diploma courses, and would be substantially productive in practicing in the following subjects:
 - i. Psychiatry
 - Radiation Oncology, Radiotherapy, Palliative Medicine and Radiation Medicine
 - Preventive and Social Medicine (Community Medicine)
 - Hospital Administration
 - Health Administration
 - Public Health
 - Pharmacology VII.
 - Biochemistry

Non





The applicant, Dr. Surya Tarigonda Maheedhar, will have severe difficulties in pursuing both degree and diploma courses and thereafter practicing in the following specialties: Surgical specialities - Gen Surgery, Orthopedics, Otorhinolaryngology, Ophthalmology, Traumatology and surgery, Obstetrics and Gynecology, and six year MCh course in Neurosurgery and Pediatric Surgery. Medical specialities - Anesthesiology, General Medicine, Emergency Medicine, Geriatrics, Nuclear Medicine, Radiodiagnosis, Dermatology, Forensic Medicine, Dermatology, Venereology and Leprosy, Respiratory Medicine and Tuberculosis and chest Diseases, Immunohaematology and Transfusion Medicine, Paediatrics Para clinical-Anatomy, Physiology, Microbiology, Virology, Pathology, Forensic Medicine and Toxicology. 3. About the following specialties, the committee cannot comment as there are no subject experts in JIPMER and JIPMER does not conduct these MD/MS/Diploma courses: Sports Medicine, Occupational Health, Marine Medicine, Aerospace Medicine, Allergy and Clinical Immunology, Radiological Physics, Biophysics, Laboratory Medicine, Tropical Medicine, Family Medicine, and Nutrition. Signature of Medical Board members Annexure: Detailed reports by Heads of departments of Broad specialties in JIPMER. डॉ. जनदीश मेनन / Dr. JAGDISH ME जाचार्य / Professor (Dr. Jagdish Menon, Professor (Sr Scale) of Orthopedics) प्रीशरोगविज्ञान विश्वाम / Department of Ortho GURY JIPMER, पुदुव्येश / PUDUCHER Member आचार्य एवं अध्यक्ष / Professor and H पंजी, सं. आर.एम.सी / Reg. No: RMC/2 (Dr. Navin Kumar, Professor & Head, PMR) गी.एम.आर. विभाग / Department of र, पुदुच्चेरी / JIPMER, Puduchan, (Dr. P Jagadesan, Professor & Head, Radiation Oncology) डॉ जगदीशन पी / Dr. JAGADESAN डा जगदाशन .पा / Dr. JAGADESAN आचार्य एवं अध्यक्ष / Professor & Hea रिहारशल ऑनकोलेंजी विभाग Department of Radiation Oncology शत्रीय कैंसर केंद्र / Regional Cancer Cen जिपमेर पुदुच्चरी / JIPMER, Puducherry PwD Member (Dr. L.N. Dorairajan) 64-6-25 Medical Superintendent & Chairman चिकित्सा अधीक्षक / Medical Superintendent

9. In the aforesaid report, JIPMER has found that the petitioner would not have much difficulty in pursuing Postgraduate Degree or Diploma courses



and could be substantially productive in practicing the following subjects:

(i) Psychiatry

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- (ii) Radiation Oncology, Radiotherapy, Palliative Medicine and Radiation Medicine
 - (iii) Preventive and Social Medicine (Community Medicine)
 - (iv) Hospital Administration
 - (v) Health Administration
 - (vi) Public Health
 - (vii) Pharmacology
 - (viii) Biochemistry
- 10. It is the contention of the petitioner that the JIPMER has assessed the functional disability of the petitioner in a pragmatic approach. According to him, if the fourth respondent undertaken such exercise in a pragmatic approach, he would have been eligible for admission in the subjects identified, herein above, however, due to in appropriate procedures followed by the fourth respondent, he was denied an opportunity to pursue his Postgraduate where he could be substantially productive. But without any positive assistance from the expert of the fourth respondent, with the aid of this Court, the petitioner has secured seat in MD Microbiology, on merit. In view of report of JIPMER dated 04.06.2025, now that his continuance in MD Microbiology is not possible as he could not be effectively productive in



practice. But, as per the above report, it is obvious that in spite of the petitioner's disability, the petitioner could able to pursue eight other courses, as mentioned in the JIPMER's report.

- 11. At this juncture, the learned counsel for the petitioner would rely upon the judgment of the Hon'ble Supreme Court in *Kabir Paharia vs National Medical Commission and others* reported in *2025 SCC Online SC 1025*. For ready reference this Court deems it appropriate to extract paragraphs No.9 to 14:
 - "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 nondiscrimination 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.
 - 10. On the previous date of hearing, we had sought a response from the learned counsel representing the





respondents regarding the appellant's submission that the candidate who secured a rank lower than the appellant had been granted admission against the Scheduled Castes PwBD quota in the MBBS UG course at AIIMS, New Delhi, for the academic year 2024–2025.

- 11. Today, during the course of hearing, Ms. Archana Pathak Dave, learned ASG, on instructions, fairly affirms this assertion of the appellant. She further states that as the appellant has been successfully assessed by the Medical Board constituted at AIIMS, New Delhi, he can be afforded admission in MBBS UG course against the Scheduled Castes PwBD quota in the AIIMS, New Delhi in the forthcoming counselling session of 2025-2026.
- 12. Taking consideration of the fact that the 2024- 2025 academic session must have progressed significantly and thus it would not be expedient to grant admission to the appellant in the said session. We accordingly direct that the appellant shall be allocated a seat in the MBBS UG course 2025 against the Scheduled Castes PwBD quota in the All-India Institute of Medical Science, New Delhi, in the forthcoming academic session.
- 13. In backdrop of the factual matrix narrated supra and the comparative higher merit secured by the appellant in the NEET-UG 2024 examination, we make it clear that the appellant shall not be required to undergo the NEET-UG 2025 examination.
- 14. We further direct that the National Medical Commission shall forthwith and not later than within a period of two months from today and at any cost before the



counselling for the 2025-2026 session commence, complete the process of revising the guidelines in light of judgments of this Court in Om Rathod v. Director General of Health Sciences2 and Anmol v. Union of India & Ors.3 so that no deserving candidate in the PwBD category is denied admission into the MBBS course in spite of his/her/their entitlement. It must be ensured that systemic discrimination against persons with benchmark disabilities, whether direct or indirect, is eliminated and that the admission process upholds their right to equal opportunity and dignity".

12. In the above Judgment, the Hon'ble Supreme Court has held that, if the wrong assessment had denied the petitioner's admission then same is against the right guaranteed under Articles 14 and 16 of the Constitution of India. The Hon'ble Supreme Court further held that the constitutional mandate of substantive equality demands that person with disabilities and PwBD be afforded reasonable accommodations rather than subjected to exclusionary practices based on unfounded presumptions about their capabilities. After holding so, the Hon'ble Supreme Court has directed the respondents to allot seat in the forthcoming academic session. It was further held that the candidates need not required to undergo NEET Exam once again. While looking at the above judgment, the Hon'ble Supreme Court has ultimately held that though the petitioner therein has scored eligible marks in 2024-2025 NEET, since because there is a fault on the part of the respondents therein he



was not able to pursue his medical course, therefore, the Hon'ble Supreme Court has directed the respondents to allot medical seat in the forthcoming academic session with out undertaking NEET once again.

- 13. Even in the case on hand, JIPMER has assessed that the petitioner is eligible to pursue a Postgraduate medical course, however, the specific course opted by him could not be pursued as he could not be substantially productive on account of his physical disability. However, eight other courses namely (i) Psychiatry (ii) Radiation Oncology, Radiotherapy, Palliative Medicine and Radiation Medicine (iii) Preventive and Social Medicine (Community Medicine) (iv) Hospital Administration (v) Health Administration (vi) Public Health (vii) Pharmacology (viii) Biochemistry, the petitioner could able to pursue and be substantially productive in practicing.
- 14. Therefore, in view of the peculiar circumstances of the case, and relying upon the Judgment of the Hon'ble Supreme Court in *Kabir Paharia* case cited supra, this Court would like to give a direction to the respondents to permit the petitioner to participate in the upcoming NEET PG 2025-2026 counselling, for the admission in the above eight postgraduate courses, based



upon the NEET rank secured by the petitioner in NEET PG 2024.

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15. With the above directions, the Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition stands closed.

18.08.2025

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Index : Yes

Speaking Order: Yes/No

Neutral Citation Case: Yes/No

To:

1. The Joint Secretary, Union of India Ministry of Health and Family Welfare, Having office at, Nirman Bhawan, New Delhi - 110011

2. The Director General,
Office of Medical Counselling Committee (MCC)
Directorate General of Health Services (DGHS),
Ministry of Health and Family Welfare,
Government of Health



WEB C3. The Secretary,
National Medical Commission,,
Having office at,
Pocket-14, Sector 8, Dwaraka Phase-1,
New Delhi – 110077.

Nirman Bhawan, New Delhi – 110108.

Having office at

4. The Regional Medical Board, Rajiv Gandhi Government General Hospital, Having office at, GH Post Office, Poonamallee High Road, 3, Grand Southern Trunk Road, Park Town, Chennai, Tamil Nadu – 600003.





C.KUMARAPPAN, J.

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W.P.No.5209 of 2025

18.08.2025