

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF NOVEMBER 2022

PRESENT

THE HON'BLE MR. JUSTICE ALOK ARADHE

AND

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

W.P.No.22910/2022 (EDN-MED-ADM)

BETWEEN:

SRI NANDEESH C.M
S/O CHANNESH M
AGED ABOUT 18 YEARS
OCC-STUDENT
R/O MARAVALLI - 577 427
TAL - SHIKARIPUR
DIST- SHIVAMOGGA.

...PETITIONER

(BY SRI SANTHOSH R NELKUDURI, ADV.)

AND:

1. NATIONAL MEDICAL COMMISSION
(FORMERLY KNOWN AS MEDICAL
COUNCIL OF INDIA), POCKET-14
SECTOR-8, DWARAKA PHASE - I
NEW DELHI - 110 077.
2. KARNATAKA EXAMINATION
AUTHORITY, 18TH CROSS
SAMIGE ROAD
MALLESHWARAM
BENGALURU - 560 012
REPRESENTED BY ITS
EXECUTIVE DIRECTOR.
3. THE MEDICAL EXAMINATION
COMMITTEE, CONSTITUTED FOR
THE PURPOSE OF MEDICAL
EXAMINATION OF THE CANDIDATES

CLAIMING RESERVATION
UNDER PWD QUOTA
18TH CROSS, SAMPIGE ROAD
MALLESHWARAM
BENGALURU - 560 012
REPRESENTED BY ITS CHAIRMAN. ...RESPONDENTS

(BY SRI LAXMI NARAYANA, AGA FOR R-3;
SRI N.K. RAMESH, ADV., FOR R-2;
SRI N. KHETTY, ADV, FOR R-1)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT OR ORDER QUASHING IMPUGNED LIST OF UGNEET 2022 PWD CANDIDATE ELIGIBILITY LIST WEBHOSTED / PUBLISHED ON 07.11.2022 BY THE RESPONDENT NO.2 AS PER ANNEXURE-D IN SO FAR AS IT RELATES TO THE PETITIONER AT SL.NO.60.

THIS PETITION COMING ON FOR PRELIMINARY HEARING THIS DAY, **ALOK ARADHE J.**, MADE THE FOLLOWING:

ORDER

In this writ petition, the petitioner *inter alia* seeks a writ of mandamus directing respondent No.2 to consider the application of the petitioner under physically disabled quota as contemplated in the guidelines issued by the Medical Council of India.

2. Facts giving rise to filing of this writ petition briefly stated are, the petitioner is suffering from Chronic Neurological conditions in relation to his right arm, right leg, left upper limb. The disability certificate dated

13.04.2022 was issued to the petitioner by the District Hospital, Shivamogga, Karnataka, stating that the petitioner is suffering from chronic neurological conditions and the disability suffered by the petitioner was assessed to the extent of 58%. It is pertinent to mention that the disability of the petitioner was considered under the Graduate Medical Education Regulations, 2018.

3. The petitioner on the basis of the aforesaid disability participated in the NEET examination in the year 2022 under a person suffering with disability. The Karnataka Examination Authority, Bengaluru, has announced the final result of the candidates under the physically disabled quota on 07.11.2022. The petitioner was declared ineligible under the aforesaid category. In the aforesaid factual background, the petitioner has approached this Court.

4. Learned Counsel for the petitioner while inviting the attention of this Court to the disability certificate issued by the Medical Authority, Shivamogga, submitted that the petitioner is entitled to participate in

the aforesaid category as the petitioner is suffering from Chronic Neurological conditions to the extent of 58%. However, on 07.11.2022, the petitioner has wrongly been declared to be ineligible.

5. Learned Counsel for the Karnataka Examination Authority submitted that the Board which was constituted to assess physical disability of the candidate did not mention the extent of disability suffered by the candidate including the petitioner.

6. In view of the aforesaid submission and in the peculiar facts of the case and taking into account the fact that the disability of the candidate belonged to physically challenged category has to be assessed under Graduate Medical Education Regulations (Amendment) 2019, we deem it appropriate to direct the petitioner to appear before the Head of the Neurology Department, Victoria Hospital, Bengaluru at 11.00 a.m on 26.11.2022, thereupon the Head of the Department shall examine the disability of the petitioner and shall submit the same to the Karnataka Examination Authority.

8. As fairly submitted by the learned Counsel for the Karnataka Examination Authority, the aforesaid report which may be submitted by the Head of the Department, Victoria Hospital, shall be acted upon by the Karnataka Examination Authority. Needless to state that in case the petitioner is found eligible to participate under the physically disabled quota, he shall be entitled to participate in mop-up round of counseling.

With the aforesaid directions, the petition is disposed of.

**SD/-
JUDGE**

**SD/-
JUDGE**

NMS