

ITEM NO.66

COURT NO.3

SECTION IX

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 39448/2024

(Arising out of impugned final judgment and order dated 29-08-2024 in WPST No. 24821/2024 passed by the High Court of Judicature at Bombay)

OMKAR**Petitioner(s)****VERSUS****THE UNION OF INDIA & ORS.****Respondent(s)****Date : 02-09-2024 This petition was called on for hearing today.****CORAM :**

**HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE K.V. VISWANATHAN**

For Petitioner(s)

Ms. Pradnya Talekar, Adv.
Mr. Pulkit Agarwal, AOR
Mr. Ajinkya Sanjay Kale, Adv.
Ms. Madhavi Ayyappan, Adv.
Ms. Vishakha Sanjay Patil, Adv.
Mr. Sudhanshu Kaushesh, Adv.
Mr. Shreyans Raniwala, Adv.
Mr. Avnish Chaturvedi, Adv.
Mr. Vibhu Tandon, Adv.
Mr. Anubhav Lamba, Adv.
Mr. Md Anas Chaudhary, Adv.
Ms. Manya Pundhir, Adv.

For Respondent(s)

Mr. Guarav Sharma, Sr. Adv.
Mr. Prateek Bhatia, Adv.
Mr. Dhawal Mohan, Adv.

**UPON hearing the counsel the Court made the following
O R D E R**

1. The perusal of the certificate of disability for NEET admission dated 16th August, 2024 would reveal that the petitioner has been disqualified only on the basis of the

percentage of speech and language disability. The Certifying Authority came to the conclusion that since the persons having speech and language disability above 40 per cent are not eligible as per extant regulation, the petitioner is ineligible since his disability is to the extent of 44 per cent.

2. In another case having similar facts this Court, in Writ Petition(C) No. 793 of 2022, had directed the petitioner therein, who was suffering from 55% speech and language impairment to be examined by an independent Medical Board which was required to submit a report on whether the petitioner therein would be in a position to pursue the course of studies for the MBBS Degree programme.

3. We, therefore, direct the Dean, Byramjee Jeejeebhoy Government Medical College, Pune (for short "BJGMC") to constitute a Medical Board consisting of one or more specialists, having domain expertise pertaining to the impairment faced by the petitioner. The Medical Board shall specifically examine as to whether the speech and language disability of the petitioner would come in his way in pursuing the MBBS Degree Course.

4. We clarify that the Medical Board so constituted shall not be affected by the requirements under the regulation whereby persons above 40 per cent speech and language

disability are disqualified.

5. The Registrar concerned of this Court is directed to communicate about this order to the Dean, BJGMC forthwith.

6. The petitioner shall remain present before the Dean, BJGMC on 05.09.2024, when the medical examination shall be conducted.

7. The Dean, BJGMC is requested to forward report to this Court by Saturday, i.e., 07.09.2024.

8. List this matter on Monday, i.e., 09.09.2024

9. Dasti, in addition, is permitted.

10. Until further order(s), the seat which is allotted to the petitioner shall be kept vacant.

(DEEPAK SINGH)
ASTT. REGISTRAR-cum-PS

(ANJU KAPOOR)
COURT MASTER (NSH)