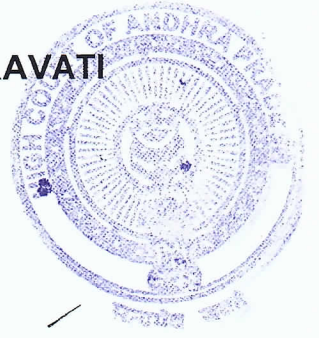


IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

MONDAY, THE THIRTIETH DAY OF JUNE
TWO THOUSAND AND TWENTY FIVE



:PRESENT:

THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD
WRIT PETITION NO: 12871 OF 2025

Between:

Dr. Lay Kanjibhai Paghdar

...Petitioner

AND

1. Dr. NTR University of Health Sciences, Having office at Dr.N.T.R University of Health Sciences, Padavalarevu, Gunadala, Vijayawada, Andhra Pradesh 520004 Rep by its Registrar
2. Andhra Medical College, Visakhapatnam. Having Office at P843 plus HWX, Medical College Road King George Hospital, Opp. Collector Office, Maharani Peta, Visakhapatnam, Andhra Pradesh - 530002. Rep by its Principal
3. The State Commissioner for Persons with Disabilities, Andhra Pradesh, Having Office at 74-14-2, Rajanarendra Building, 1st Floor, Yanamalakuduru Road, Krishna Nagar, Vijayawada - 520007, Andhra Pradesh
4. National Medical Commission, Having Office at Pocket - 14, Sector - 8, New Delhi - 110077 Rep by its Chairman
5. The State of Andhra Pradesh, Rep.by its Principal Secretary, Health, Medical and Family Welfare Department, Having office at 5th Block,Ground Floor, Room No157,A.P Secretariat, Velagapudi, Guntur Dt., Andhra Pradesh - 522503

6. Dr Subramanyam,

**(R6 is suo moto impleaded as per court order dated 30.06.2025
vide orders passed in WP No.12871 of 2025)**

...Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction more particularly one the nature of a writ of Mandamus

a) directing Respondent No. 1 - Dr. NTR University of Health Sciences - and Respondent No. 2 - Principal, Andhra Medical College, Visakhapatnam - to issue the Course Completion Certificate and relieve the Petitioner from the course, on the completion of 939 working days on 22nd May, 2025, in line with the Postgraduate Medical Education Regulations, 2023 and declare that the continued reliance on outdated and superseded university regulations by Respondent No. 1, in derogation of the binding PGMER 2023 framed under the National Medical Commission Act, 2019, is arbitrary, illegal, ultra vires, and void, and consequently direct all Respondents to adhere strictly to the PGMER 2023 for determining course completion criteria

b) Declare that the Petitioner is entitled to all academic and professional rights flowing from successful completion of the M.S. General Surgery course, including eligibility to apply for Senior Residency, Fellowships, Super-Specialty Courses (DM/MCh), and registration with NMC/State Medical Council on successful completion of 939 working days on 22nd May, 2025. Declare that the denial of reasonable accommodation and failure to protect the Petitioner from discrimination, despite being a person with disability, amounts to a violation of Sections 3 and 18 of the Rights of Persons with Disabilities Act, 2016, and issue consequential directions to Respondent

No. 3 - State Commissioner for Persons with Disabilities - to take appropriate action under the Act

c) Issue appropriate directions to Respondent No. 4 - National Medical Commission - to ensure compliance by all universities and colleges with the PGMER 2023, particularly in cases involving persons with disability, and to take necessary steps to prevent further violation of such statutory rights in future;

IA NO: 1 OF 2025

Petition under Section 151 of CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondents No. 1 and 2 to immediately issue a provisional course completion certificate and release all original academic documents of the Petitioner on or before 22-05-2025 upon completion of 939 working days, in line with the binding Postgraduate Medical Education Regulations, 2023; Pending disposal of WP 12871 of 2025, on the file of the High Court.

The Petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SR TURAGA SAI SURYA Advocate for the Petitioner, and of M/s Tata Venkata Sridevi, Standing Counsel For Dr.NTR University of Health Sciences, for the Respondent No.1, and of GP FOR MEDICAL, HEALTH & FAMILY WELFARE, for the Respondent Nos.2 to 5, the Court made the following



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3328]

MONDAY, THE THIRTIETH DAY OF JUNE
TWO THOUSAND AND TWENTY FIVE

PRESENT

**THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA
PRASAD**

WRIT PETITION NO: 12871/2025

Between:

1. DR. LAY KANJIBHAI PAGHDAR,,
V. 1. DR. LAY KANJIBHAI PAGHDAR,,

...PETITIONER

AND

1. DR NTR UNIVERSITY OF HEALTH SCIENCES, HAVING OFFICE AT DR.N.T.R UNIVERSITY OF HEALTH SCIENCES, PADAVALAREVU, GUNADALA, VIJAYAWADA, ANDHRA PRADESH 520004 REP BY ITS REGISTRAR.
2. ANDHRA MEDICAL COLLEGE, VISAKHAPATNAM. HAVING OFFICE AT P843 PLUS HWX, MEDICAL COLLEGE ROAD KING GEORGE HOSPITAL, OPP. COLLECTOR OFFICE, MAHARANI PETA, VISAKHAPATNAM, ANDHRA PRADESH - 530002. REP BY ITS PRINCIPAL
3. THE STATE COMMISSIONER FOR PERSONS WITH DISABILITIES, ANDHRA PRADESH, HAVING OFFICE AT 74-14-2, RAJANARENDRA BUILDING, 1ST FLOOR, YANAMALAKUDURU ROAD, KRISHNA NAGAR, VIJAYAWADA - 520007, ANDHRA PRADESH

4. NATIONAL MEDICAL COMMISSION, HAVING OFFICE AT POCKET - 14, SECTOR - 8, NEW DELHI - 110077 REP BY ITS CHAIRMAN

5. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, HEALTH, MEDICAL AND FAMILY WELFARE DEPARTMENT, HAVING OFFICE AT 5TH BLOCK, GROUND FLOOR, ROOM NO157, A.P. SECRETARIAT, VELAGAPUDI, GUNTUR DT., ANDHRA PRADESH - 522503

...RESPONDENT(S):

Counsel for the Petitioner:

1. TURAGA SAI SURYA

Counsel for the Respondent(S):

1. GP FOR MED HEALTH AND FAMILY WELFARE

2. Tata Venkata Sridevi, Standing Counsel For Dr.NTR University of Health Sciences

The Court made the following ORDER:

Heard Sri T. Sai Surya, learned Counsel for the Writ Petitioner, Smt. T.V. Sridevi, learned Standing Counsel for the Respondent No.1 and Sri R. Kalyan Chakravarthy, learned Government Pleader for Medical, Health and Family Welfare appearing for the Respondent Nos.2 to 5.

2. The interim prayer sought by the Writ Petitioner is as under:

"For all the reasons stated in the accompanying affidavit filed in support of the writ petition it is prayed that this Hon'ble Court may be pleased to direct the Respondents No. 1 and 2 to immediately issue a provisional course completion certificate and release all original academic documents of the Petitioner on or before 22-05-2025 upon completion of 939 working days, in line with the binding Postgraduate Medical Education Regulations, 2023; pending disposal of the above writ petition and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

3. Although several facts are involved in the present case, such of those facts which are necessary for considering the above mentioned prayer are only referred to herein.

4. It is the case of the Writ Petitioner that he had completed M.S. General Surgery by availing reservation under Persons with Disabilities (PwD) quota; that the Writ Petitioner suffers from 78% Locomotor Disability; that on account of "sustained and targeted harassment by Dr. Subramanyan, Professor in the Department of General Surgery" and on account of repeated discrimination with respect to the disability suffered by the Writ Petitioner, the Writ Petitioner got mentally affected; that the said Professor pressurised the Writ Petitioner to resign from the course by asserting that in the opinion of the Professor, the Writ Petitioner is unfit to pursue a surgical career; that the Professor subjected the Writ Petitioner to frequent medical fitness examinations despite having already been declared medically fit at the time of admission; that the said Professor went to the extent of addressing letters to the Principal of the Institution for conducting fresh medical fitness test solely in the case of the Writ Petitioner; and that as a consequence of the unbearable harassment meted out by Dr. Subramanyan, Professor in the Department of General Surgery, the Writ Petitioner took a break from the course between December, 2022 and April, 2023 due to severe mental distress caused by the hostile environment and continuous harassment and went away to his native place which is in the State of Gujarat.

5. It is submitted by the learned Counsel for the Writ Petitioner basing on the strength of the averments made in the Affidavit filed in support of the Writ Petition that when the Writ Petitioner has returned and wanted to formally rejoin the M.S. General Surgery programme, the Professor had written a letter to re-verify the fitness of the Writ Petitioner, but since the leave of the Writ Petitioner was approved, the Writ Petitioner was able to rejoin the course; that, thereafter,

Dr. Subramanyan was transferred from Andhra Medical College, Visakhapatnam on 06.05.2024.

6. It is submitted by the learned Counsel for the Writ Petitioner that the parents of the Writ Petitioner have also addressed a letter to the Principal of the Respondent No.2 College after transfer of Dr. Subramanyan; that the Writ Petitioner has lodged a complaint to the Chief Commissioner for Persons with Disabilities; that after rejoining of M.S. General Surgery course in April, 2023, the Writ Petitioner has actively participated in all clinical responsibilities that were assigned to him; that in order to compensate the time lost and to demonstrate the dedication of the Writ Petitioner, the Writ Petitioner has worked all weekly off-days by refraining from availing the weekly offs during the weekends; that the transfer of Dr. Subramanyan from Andhra Medical College, Visakhapatnam, had allowed and enabled the Writ Petitioner to positively focus his work without fear or prejudice, thereby enabling him to perform to the best of his capabilities.

7. It is submitted by the learned Counsel for the Writ Petitioner that in a three year post-graduate course, total number of working days are 1095 days; that as per the Regulations, the working days which are required in the entire three year post-graduate course are 939 days; that the post-graduate medical graduates are permitted to avail 20 casual leaves per annum and five paid leaves as per Rule 5.5 of the Post Graduate Medical Education Regulations, 2023 (PGMER-2023); that as per the clarification given in Rule 5.5, if the candidate avails leaves in excess of the permitted number of days, his/her term of course shall be extended by the same number of days to complete the training period; that the Writ Petitioner was absent for about 211 days out of 939 days; that the Writ Petitioner has compensated a portion of the number days absent by working on 104 Sundays without availing the weekly-off; that the Writ Petitioner is also entitled to casual leaves of about 60 days over a period of three years; that the

course got completed on 04.05.2025; that the Writ Petitioner secured 62.38% in the examination held on 28.02.2025 in M.S. General Surgery.

8. It is submitted by the learned Counsel for the Writ Petitioner that despite the fact that the Writ Petitioner has made-up complete 939 days in accordance with the clarification to Rule 5.5 of the PGMER-2023; the Respondent No.2 College has declined to issue "Course Completion Certificate" in order to enable the Writ Petitioner to appear for the purpose of participation in counseling and for seat allotment and admission to Super Specialty (DM/M.ch) courses.

9. It is submitted by the learned Counsel for the Writ Petitioner that at present the third round of counseling has commenced from 23.06.2025 and would continue upto 07.07.2025 for the NEET Super Specialty Course.

10. It is submitted by the learned Counsel for the Writ Petitioner that, if the Writ Petitioner is prevented from participating in the third round of counseling (from 23.06.2025 to 07.07.2025), the Writ Petitioner would suffer irreparable injury, inasmuch as the Writ Petitioner would be prevented from participating in the counseling for the present academic year.

11. The Andhra Medical College, Visakhapatnam represented by the Principal (Respondent No.2) has filed the Counter Affidavit. The averments in the Counter Affidavit are to the effect that the Writ Petitioner is not entitled to any indulgence so as to enable him to participate in the third round of counseling in the NEET Super Specialty Courses.

12. The facts considered by this Court are already mentioned hereinabove. The above facts would *prima-facie* indicate that the Writ Petitioner has completed his M.S. General Surgery post-graduate course by securing 62.38% and that the Writ Petitioner suffers from 78% of Locomotor Disability which falls under the category of 'Benchmark Disability as per the provisions of Rights of Persons with Disabilities Act, 2016 (For short, the Act, 2016) and that he was subjected to

harassment and mental agony by one Dr. Subramanyan, Professor in Department of General Surgery. The facts would indicate that the said Dr. Subramanyan was transferred from Andhra Medical College, Visakhapatnam on 06.05.2024 and that the Writ Petitioner was able to successfully complete the M.S. General Surgery course only on account of lack of discrimination by Dr. Subramanyan from 06.05.2024 which is the date of his transfer. The facts would indicate that the break in the course by the Writ Petitioner was on account of mental agony and that the Writ Petitioner was subjected to humiliation at the behest of Dr. Subramanyan and that the said Professor had subjected the Writ Petitioner to several medical fitness examinations with a view to harass him and also to ensure that the Writ Petitioner would get disqualified from the M.S. General Surgery course. The facts would also disclose that the parents of the Writ Petitioner have also addressed letters to the Head of the Institution followed by the complaint made by the Writ Petitioner against Sri Dr. Subramanyan after his transfer from Andhra Medical College, Visakhapatnam on 06.05.2024.

13. It is the contention of the Writ Petitioner that the computation of number of working days put in by the Writ Petitioner had been incorrectly made by the Official Respondents and on account of this incorrect calculation, the Respondent No.2 had declined to issue "Course Completion Certificate" with respect to the post-graduate course. It is also submitted by the learned Counsel for the Writ Petitioner that the number of leaves granted were not properly reckoned by the Respondent College, inasmuch as the Writ Petitioner has fulfilled required number of working days. The attendance of 939 working days has stoutly been opposed by the Official Respondents. It is submitted that 104 Sundays in which the Writ Petitioner had worked cannot be reckoned by the Respondent College for the purpose of computation of the number of working days.

14. Having regard to the above facts, this Court is required to examine whether the Sundays worked by the Writ Petitioner can be counted or not. This Court will also have to decide whether the number of leaves availed by the Writ Petitioner can be set off against the casual leaves or not. This Court will also have to examine whether it is sufficient for the Writ Petitioner to have 80% of the attendance out of the total number of working days. In view of the Provisions contained in The Right of Persons with Disabilities Act, 2016 (for short the 'Act, 2016') which mandates this Court to examine the truth or the otherwise with regard to the allegations made by the Writ Petitioner against Dr. Subramanyan, Professor in the Department of General Surgery upto the date of his transfer on 06.05.2024. This Court is also required to examine whether the Respondent Authorities are required to mandatorily adhere to the provisions of the Act, 2016 and whether the allegations made by the Writ Petitioner would fall under the Sections 2 (m), 2 (r), 2 (y), Sections 16, 17 in Chapter-III, and Chapter-XVI, of the Act, 2016.

15. Having examined various allegations made by the Writ Petitioner, this Court, during the course of hearing on 19.06.2025, had orally directed Dr. K.V.S.M. Sandhya Rani, Principal of Respondent No.2 who was present in the Court to submit the photocopies of all the complaints made against Dr. Subramanyan in a sealed cover on the next date of hearing. When this Writ Petition was again heard on 19.06.2025, this Court had enquired with the Ld. Counsel for Respondent No.2 whether the copies of complaints were brought in a sealed-cover or not? The Counsel for Respondent No.2 had stated that the Respondent No.2 has not been able to send them.

16. The facts in this case would indicate that the allegations are of serious nature and this Court is required to examine the same in terms of the provisions of the Act, 2016 as indicated above. During the pendency of the enquiry by this Court, the Writ Petitioner cannot be left-out high and dry, inasmuch as the Writ

Petitioner may not be able to participate in the third round of counseling scheduled to take place from 23.06.2025 to 07.07.2025. This Court is also required to examine whether any concession could be given to the Writ Petitioner with regard to attendance in terms of the provisions of Act, 2016, and also as interpreted by the Hon'ble Apex Court in (1) **Justice Sunanda Bhandare Foundation vs. Union of India : (2014) 14 SCC 383**; (2) **Vikash Kumar Vs. UPPC and Ors.: 2021 (5) SCC 370**; (3) **Syed Bashir-uddin Qadri Vs. Nazir Ahmed shah : (2010) 3 SCC 603**; (4) **Avni Prakash vs. National Testing Agency (NTA) and ors., : (2023) 2 SCC 286**; and (5) **Gulshan Kumar vs. Institute of Banking Personnel Selection and Ors : 2025 SCC Online 223**).

17. During the last hearing, this Court had directed the Writ Petitioner to have an Affidavit filed by the Writ Petitioner that he would undertake to complete the required number of working days as per the regulations after attending the counseling which is scheduled to be closed from 08.07.2025 onwards. In pursuance of the said direction, the Writ Petitioner had filed sworn Affidavit dated 24.06.2025 undertaking to complete a shortfall of 12 working days as stated by the Official Respondents in their Counter-Affidavit. The said sworn Affidavit dated 24.06.2025 filed by the Writ Petitioner is taken on record.

18. Keeping the above issues in mind, this Court deems it appropriate to issue the following directions:

- i. Dr. Subramanyan, Professor in the Department of General Surgery is Suo-moto impleaded as Respondent No.6. Learned Standing Counsel appearing for Respondent No.2 is directed to furnish the current address and place of work of Dr. Subramanyan and also his e-mail I.D to the learned Counsel for the Writ Petitioner and also to the Registry. The Principal of Respondent No.2 College shall also

inform Dr. Subramanyan about he being suo-moto impleaded by this Court as Respondent No.6. Registry is directed to make necessary changes in the Cause Title.

- ii. Learned Counsel for the Writ Petitioner is directed to take out urgent personal notice in respect of Dr. Subramanyan, Professor in the Department of General Surgery within three days from today and file proof of receipt of notice within two days thereafter. Learned Counsel for the Writ Petitioner is also given liberty to serve a copy of notice through the e-mail of Dr. Subramanyan along with scanned copy of the Writ Petition and the Counter-Affidavit filed by the Respondent No.2. For this purpose, the Respondent No.2 is directed to furnish e-mail I.D of Dr. Subramanyan.
- iii. Sri R. Kalyan Chakravarthy, Ld. Government Pleader appearing for the Respondent No.2 has now submitted the complaints lodged by the students against Dr. Subramanyan in a sealed cover. The same is taken on record. The Court Officer is directed to keep the sealed cover under safe custody. The Superintendent of Police, Crimes and Investigation, Visakhapatnam is directed to seize the record relating to the correspondence made by Dr. Subramanyan to the Principal of Respondent No.2 and also any other authority with a view to subject the Writ Petitioner for medical fitness/medical examination. The Superintendent of Police is directed to submit the entire record in a sealed cover to this Court through the Registrar (Judicial) within two (02) weeks from today.
- iv. Registrar (Judicial) is directed to communicate a copy of this Order to the Superintendent of Police, Crimes and Investigation, Visakhapatnam, within two days from today.

n/

- v. The State Commissioner for Persons with Disability, Andhra Pradesh shall submit Status Report on the complaint made by the Writ Petitioner dated 28.04.2025 (Ex.P.7).
 - vi. The Principal, Andhra Medical College, Visakhapatnam (Respondent No.2) shall issue Provisional Course Completion Certificate in respect of M.S. General Surgery course and also to release all original academic documents of the Writ Petitioner on or before 02.07.2025.
 - vii. Dr. Subramanyan (newly impleaded Respondent No.6) is directed to file Counter Affidavit within two weeks from today.
 - viii. The concerned Counsel are directed to communicate the gist of this Order to the respective Official Respondents forthwith for effective compliance.
 - ix. Ld. Counsel for the Writ Petitioner is directed to take out urgent personal notice in respect of the State Commissioner for Persons with Disability, Andhra Pradesh (Respondent No.3) within three days from today and file proof of receipt of notice within two days thereafter. The said Respondent No.3 shall file Counter Affidavit within two weeks from today.
19. List the matter on 14.07.2025.

SD/- A. VIJAYA BABU
ASSISTANT REGISTRAR
SECTION OFFICER

//TRUE COPY

To,

1. The Registrar (Judicial), High Court of Andhra Pradesh at Amaravati
2. The Superintendent of Police, Crimes and Investigation, Visakhapatnam
3. The State Commissioner for Persons with Disability, Andhra Pradesh, 6th Floor Chandra Vihar, M.J.Road, Nampally, Hyderabad – 500 001, Telangana (Addressees 2 & 3 by Speed Post)

4. The Registrar, Dr. NTR University of Health Sciences, Having office at Dr.N.T.R University of Health Sciences, Padavalarevu, Gunadala, Vijayawada, Andhra Pradesh 520004
5. The Principal, Andhra Medical College, Visakhapatnam. Having Office at P843 plus HWX, Medical College Road King George Hospital, Opp. Collector Office, Maharani Peta, Visakhapatnam, Andhra Pradesh - 530002.
6. The State Commissioner for Persons with Disabilities, Andhra Pradesh, Having Office at 74-14-2, Rajanarendra Building, 1st Floor, Yanamalakuduru Road, Krishna Nagar, Vijayawada - 520007, Andhra Pradesh
7. The Chairman, National Medical Commission, Having Office at Pocket - 14, Sector - 8, New Delhi - 110077
8. The Principal Secretary, Health, Medical and Family Welfare Department, State of Andhra Pradesh, Having office at 5th Block, Ground Floor, Room No157, A.P Secretariat, Velagapudi, Guntur Dt., Andhra Pradesh - 522503 **(by Special Messenger)**
9. Dr Subramanyam, S/o Late Ramamoorthy, Professor of General Surgery, Government Medical College, Talarisigin Village, Paderu, Alluri Sita Rama Raju District - 531077 **(Addressees 4 to 7 & 9 by RPAD)**
10. One CC to SRI. TURAGA SAI SURYA Advocate [OPUC]
11. One CC to M/s Tata Venkata Sridevi, Standing Counsel For Dr.NTR University of Health Sciences Advocate [OPUC]
12. Two CCs to GP FOR MEDICAL, HEALTH & FAMILY WELFARE, High Court of Andhra Pradesh [OUT]
13. **One spare copy**

PSR

HIGH COURT

GRKP,J

DATED:30/06/2025

NOTE:LIST THE MATTER ON 14.07.2025.

ORDER

WP.No.12871 of 2025

INTERIM DIRECTION

