



2026:AHC-LKO:67525-DB

A.F.R.

Reserved On : - September 11, 2026

Delivered On : - September 23, 2026

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 9769 of 2026

Shubham Mishra

.....Petitioner(s)

Versus

Union of India, Thru. Secy. Ministry
Of Health And Family Welfare, New Delhi
And 10 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Rajeiu Kumar Tripathi, Diwakar Singh Gautam
Counsel for Respondent(s)	: A.S.G.I..., C.S.C., Gyanendra Kumar Srivastava, Shashank Bhasin, Syed Mohammad Haider Rizvi

And

WRIT - C No. - 9830 of 2026

Saurabh Rana

.....Petitioner(s)

Versus

Union Of India Thru. Secy. Ministry
Of Health And Family Welfare New Delhi
And 10 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Diwakar Singh Gautam.
Counsel for Respondent(s)	: A.S.G.I., C.S.C., Gyanendra Kumar Srivastava, S M Singh Royekwar, Shashank Bhasin, Syed Mohammad Haider Rizvi.

And**WRIT - C No. - 10095 of 2026****Gulfam Ahmad And
Another**

.....Petitioner(s)

Versus

State Of U.P. Thru. Its Prin. Secy.
Deptt. Of Medical Education Lko.
And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Mayankar Singh	
Counsel for Respondent(s)	: C.S.C., Syed	Mohammad
	Haider Rizvi	

Court No. - 3**HON'BLE SHEKHAR B. SARAF, J.
HON'BLE ABDHESH KUMAR CHAUDHARY, J.**

ABDHESH KUMAR CHAUDHARY, J.: It is a deeply regrettable state of affairs that, notwithstanding the statutory primacy and binding nature of the Disability Certificate issued by the Competent Authority under Section 57 of the Rights of Persons with Disabilities (RPwD) Act, 2016, this Court remains continuously inundated with repetitive writ petitions during each successive academic session. This perennial litigation stems directly from an unresolved jurisdictional friction between statutory mandates and administrative regulations for issuance of functional eligibility certificate by the Medical Assessment Board constituted under the aegis of the National Medical Commission (NMC) for candidates seeking admission in MBBS course under the disability category.

2. This academic year is also not different, as we pen down this judgment, we find atleast three writ petitions raising the same common issue. The factual matrix of these writ petitions relevant to the context is succinctly set out in two tabular charts, namely **Table-A** and **Table-B**, which encapsulate the relevant particulars and data necessary for an effective adjudication of the matter:-

Table-A (Details of the Disability)

Petitioner’s Name / Writ Petition Number	Disability Certificate issued by	Nature and Type of Disability	Date of Issuance of UDID Card	Percentage of Disability as per UDID Card
Shubham Mishra/ Writ-C No. 9769 of 2026	C.M.O. Sultanpur, issued on 02.12.2023	Chronic Neurological Conditions (Bell’s Palsy) - Permanent	02.12.2023	45%
Saurabh Rana/ Writ-C No. 9830 of 2026	C.M.O. Prayagraj, issued on 13.03.2026	Hearing Impairment (B/L Profound Hearing Loss) - Permanent	13.03.2026	50%
Gulfam Ahmad/ Writ-C No. 10095 of 2026	C.M.O. Bahraich, issued on 21.02.2024	Blindness (Right 6/24 Left 5/60 High Myopia) - Permanent	21.02.2024	40%

Table-B (Details of the Eligibility Certificate)

Petitioner’s Name	Date of Assessment Eligibility Certificate	Assessment of Ability to Complete the MBBS Course	Appellate Medical PwBD Assessment Board	All Indian Rank (PwBD)
Shubham Mishra	11.08.2026	Capable of successfully completing the MBBS Course	VMMC & SAFDARJUNG HOSPITAL,	948

		and acquiring the essential competencies prescribed under the CBME curriculum	NEW DELHI	
Saurabh Rana	06.08.2026	Capable of successfully completing the MBBS Course and acquiring the essential competencies prescribed under the CBME curriculum	S.S. HOSPITAL. I.M.S., B.H.U.	2162
Gulfam Ahmad	08.08.2026	Capable of successfully completing the MBBS Course, subject to the reasonable accommodation (s) specified	VMMC & SAFDARJUNG HOSPITAL, NEW DELHI	1386

3. Since all these writ petitions arise out of common questions of law, they are being decided by this common judgment, however, *Writ –C No. 9769 of 2026* has been considered as a lead petition and the facts mentioned therein are narrated as under, for dealing with the common issue raised in all these writ petitions. It would be relevant to mention here that in **Writ-C No. - 10095 of 2026 petitioner no. 2, namely, Aasif Hassan vide order dated 16.09.2026 has withdrawn the writ petition with liberty to file afresh.**

4. Shorn of unnecessary details, the facts of the lead petition would entail that the petitioner is physically differently abled and as such was issued a Disability Certificate by the Chief Medical Officer, District-Sultanpur, being the competent authority designated under the provisions of Section 57 of the Rights of the

Person with Disabilities Act, 2016 (hereinafter referred to as 'the Act of 2016') to issue such a Disability Certificate.

5. As far as the percentage of disability of the petitioner is concerned, the same has been quantified at 45 % as the petitioner is a case of 'chronic neurological conditions' with a diagnosis of "Bell's Palsy" and the nature of such disability has been identified as "Permanent Disability". Accordingly, the petitioner has also been issued the Unique Disability ID (UDID) on 02.12.2023 by the competent authority in that regard as per the Act of 2016 and the rules framed therein in 2017.

6. Be that as it may, the petitioner, being an aspirant for pursuing MBBS course was required to appear in the National Eligibility-Cum- Entrance Test [NEET (U.G.)]-2026 conducted by the "National Testing Agency". Relevant to the context, we find that on 27.07.2026, the National Medical Commission (NMC), which is a statutory body regulating the medical education, medical professionals, institute, research and grants recognition of medical qualification and accreditation to medical colleges in India, issued guidelines titled as "Guidelines on assessment of reasons of persons with benchmark Disabilities (PwBD) for admission to the MBBS Course, 2026", wherein para 3.17 of the said guideline defined "PwBD" as under :-

3.17 "Person with Benchmark Disability" or "PwBD" shall have the same meaning as assigned to it under Section 2(r) of the Rights of Persons with Benchmark Disabilities Act, 2016"

7. Record also reveals that Chapter II of the said Guidelines dealt with the concept of issuance of Eligibility Certificate, Documentation and Disability Assessment and Clause 9.1 reads as under :-

***"9.1** A candidate seeking admission to the MBBS Course under the Persons with Benchmark Disabilities (PwBD) category shall possess a benchmark disability of not less than forty percent (40%), in accordance with the Rights of the Persons with Disabilities Act, 2016 and the rules made thereunder."*

8. The petitioner, being otherwise qualified as a General-EWS and possessing a certificate of Benchmark Disability (PwBD) above 40%, applied for the [NEET-U.G.]-2026 Examination on 27.02.2026 and provided details of his disability under the column meant for "Disability Details" in the application form.

9. The result of the National Eligibility-Cum- Entrance Test [NEET (U.G.)]- 2026 was declared on 16.07.2026 and the All-India Rank of the petitioner in category of PwBD was 948 and as such the petitioner was ordinarily expecting a seat in the Government Medical College.

10. It would be pertinent to mention herein that Chapter-4 of the Information Bulletin and Counseling Scheme for NEET (UG), 2026, governs PwBD Candidates. Apparently, as per the said guidelines, Medical Counseling Committee has been designated by the National Medical Commission to issue eligibility certificate relating to Functional Competency Assessment, which every Candidate with disability was required to obtain before

participating in counselling for a seat in the MBBS Course in any Medical College of India.

11. As far as the petitioner is concerned, it emerges from the records that apparently, the Assessment Board issued the Eligibility Certificate dated 11.08.2026 to the petitioner, wherein the parentage of Bench Mark Disability has been unilaterally sought to be reduced from 45% to 20 % and although the reasons recorded by the Medical Assessment Board has found the petitioner eligible generally for medical education but has not found the person eligible to be admitted under the category of person with Bench Mark Disability reservation. The Appellate Medical PwD Assessment Board, by its "Medical Opinion on Appellate Reassessment" dated 21.08.2026, affirmed the said conclusion, holding the petitioner "Ineligible under PwBD category". It is these two determinations that are under challenge in these three writ petitions.

12. The petitioner - **Shubham Mishra** has sought the following substantial reliefs in **Writ-C No. – 9769 of 2026 :-**

"(i) Issue a writ, order or direction in the nature of mandamus commanding the opposite parties to allow the petitioner to participate/register in the Round 2 of online counseling of NEET (UG) 2026 conducted by the Opposite party No.- 4 and the upcoming Round 2 online counseling of NEET (UG) 2026 conducted by the Opposite Party No. 8, on the basis of the Disability Certificate and Unique Disability ID (UDID) respectively issued on 02.12.2023 by the Chief Medical Officer, District Sultanpur, and the conclusion/opinion

regarding functional competency given by the opposite party no.- 9 and 10 in Annexure No. 1 and 2, by ignoring the conclusion "Ineligible for PwD Reservation" mentioned in the 'Eligibility Certificate' dated 11.08.2026 (Annexure No.- 1) and the final medical opinion "Ineligible under PwBD category" mentioned in impugned "Medical Opinion on Appellate Reassessment" certificate/order dated 21.08.2026 (Annexure No.- 2) to the Writ Petition;

OR/In alternative

(ii) Issue a writ, order or direction in the nature of certiorari for quashing the conclusion "Ineligible for PwD Reservation" mentioned in the 'Eligibility Certificate dated 11.08.2026 (Annexure No.- 1) issued by the Medical Assessment Board i.e, Opposite Party No.- 9 and the final medical opinion "Ineligible under PwBD category" mentioned in the "Medical Opinion on Appellate Reassessment" certificate/order dated 21.08.2026 (Annexure No. 2) issued/passed by the Appellate Medical PwD Assessment Board, NEET UG 2026 i.e, Opposite Party No.- 10 to the Writ Petition;"

And

The petitioner - **Saurabh Rana** has sought the following substantial reliefs in **Writ-C No. – 9830 of 2026 :-**

"(i) Issue a writ, order or direction in the nature of mandamus commanding the opposite parties to allow the petitioner to participate/register in the Round 2 of online counseling of NEET (UG) 2026 conducted by the Opposite party No.- 4 and the upcoming Round 2 online counseling of NEET (UG) 2026 conducted by the Opposite Party No. 8, on the basis of the Disability Certificate and Unique Disability ID (UDID) respectively issued on 13.03.2026 by the Opposite Party No. 11 and the remarks regarding functional competency given by the opposite party no. 9 in Annexure No. 1, by ignoring the conclusion "Ineligible for PwD Reservation" mentioned in the 'Eligibility Certificate' dated 06.08.2026 (Annexure No. 1) to the Writ Petition;

OR/In alternative

(ii) Issue a writ, order or direction in the nature of certiorari for quashing the conclusion "Ineligible for PWD Reservation" mentioned in the 'Eligibility Certificate dated 06.08.2026 (Annexure No. 1) issued by the Medical Assessment Board ie, Opposite Party No.- 9 to the Writ Petition;"

And

The petitioner - **Gulfam Ahmad** has sought the following substantial reliefs in **Writ-C No - 10095 of 2026 :-**

"(i) A writ, order or direction in the nature of Certioran quashing the medical assessment/report dated 08.08.2020 issued by the Medical Assessment Board, SS Hospital, IMS, BHU, Varanasi, whereby the disability of the petitioners has been assessed as zero percent as well as assessment/report dated 17.08.2026 Issued by Appellate Medical PWD Assessment Board, NEET UG 2026 from Dr. VMMC & Safdarjung Hospital, New Delhi, in the interest of justice, (contained in Annexure No.1 & 2 to this writ petition)

(ii) A writ, order or direction in the nature of Mandamus commanding the respondents to recognize and give due effect to the valid Disability Certificate dated 21.02.2024 and 21.10.2025 issued by the Chief Medical Officer, Bahraich, whereby the petitioners have been certified to be suffering from 40% disability on account of blindness, and to treat the petitioner as a Person with Benchmark Disability (PwBD) for the purposes of NEET UG 2026, in the interest of justice. (contained in Annexure No.3 &

(iii) A writ, order or direction in the nature of Mandamus thereby directing the respondents to consider and revise/rectify the petitioner's NEET UG 2026 result/score card and generate/issue the requisite score card/certificate reflecting the petitioners' entitlement under the PwBD category, in

accordance with the judgment/order of this Hon'ble Court in case of Saumya Pal and the valid disability certificate issued by the competent authority, in the interest of justice

(iv) *A writ, order or direction in the nature of Mandamus thereby directing the respondents to consider the petitioners' candidature for admission to the concerned medical course in accordance with his merit and eligibility after extending the benefit of the Persons with Benchmark Disability (PwBD) category, and to grant all consequential benefits to which the petitioner is otherwise entitled,, in the interest of justice;"*

13. Heard Shri Rajeiu Kumar Tripathi, Shri Diwakar Singh Gautam, learned Counsel for the petitioner, Shri S.B. Pandey, learned Senior Advocate & DSGI assisted by Shri Anand Dwivedi, learned Counsel for respondent Nos.1 to 4, Shri Gyanendra Kumar Srivastava, learned Counsel for respondent No.5, Shri Manish Kumar Shrivastava, Advocate holding brief of Shri Shashank Bhasin, learned Counsel for respondent No.6 and Shri S.M. Haider Rizvi, learned Counsel for respondent No.8 in *Writ-C No – 9769 of 2026* and in *Writ-C No – 9830 of 2026*) Shri S.M. Singh Royekwar, learned counsel for respondent nos. 9 and 10; as well as heard learned counsel appearing on behalf of the petitioners, learned Standing Counsel appearing on behalf of the State and Sri Syed Mohammad Haider Rizvi, learned counsel appearing on behalf of the respondent No.2 in *Writ-C No - 10095 of 2026* .

14. This Court has heard the aforesaid three writ petitions at the stage of admission and, by interim orders dated September 11, 2026, passed in *Writ-C No 9769 of*

2026 and Writ-C No 9830 of 2026, as well as by the interim order dated September 16, 2026 passed in Writ-C No. 10095 of 2026, permitted the petitioner to participate in the ongoing counselling process conducted by the respondents as a PwBD (Persons with Benchmark Disabilities) category candidate.

15. Learned Counsel for the petitioner has submitted that the law relating to the scope and extent of power of the Medical Assessment Board to issue the Eligibility Certificate is no longer *res-inetgra*, the same having been settled by a recent judgment dated 25.08.2026, passed by a Co-ordinate Division Bench of this Court at Allahabad, in **Writ-C No. 33739 of 2026 (Somya Pal Vs. Union of India and others)** and a judgment dated 20.08.2026, passed by a Single Bench of this Court, in **Writ-C No. 8810 of 2026 (Shubham Rai Vs. Union of India and others)**, as well as a judgment dated 07.08.2025, passed by a Single Bench of this Court, in **Writ -C No. 7585 of 2025 (Maaz Ahmad Vs. Union of India and others); 2025 SCC OnLine All 4736**, all of which, in turn, follow the ratio laid down by the Supreme Court in a catena of Judgments.

16. It is the submission of learned Counsel for the petitioner that guidelines issued by the National Medical Commission (NMC) for assessing the person with Bench Mark Disabilities for admission to MBBS Course was merely meant for assessment of functionality of the PwBD candidate as to whether the aspirant for MBBS course is eligible to pursue his/her education and to

facilitate such candidate with reasonable accommodation and assistive technology during persuasion of his/her studies and was not meant for curtailment of his/her rights which stands crystallized and recognized by the Act of 2016 and also the Fundamental Right of Equality as enshrined under Article 14 of the Constitution of the India.

17. According to the learned Counsel, such assessment was never meant to re-quantify the extent of disability, that exercise being one exclusively within the domain of the competent authority designated under Section 57 read with Section 56 the Act of 2016. He further submits that as far as the Medical Assessment Board constituted under the NMC guidelines was concerned, it is essentially entrusted with only examining the Functional Competency Assessment for pursuing the medical course by the petitioner. He has further submitted that the present case is a case of exceeding jurisdiction by the Medical Assessment Board for issuance of Eligibility Certificate and deciding the percentage of disability by them and thereupon denying the benefit of reservation, when it is clear from the guidelines that the mandate was confined to a functional competency assessment. Further, even the reasons for denying the Eligibility Certificate was confined to Clause 12.14 of the guidelines, which does not require the Board to make any such assessment and/or assign any reason relating to the percentage of disability.

18. *Per contra*, learned Counsel for the respondents submit that the prescribed format used by the Medical Assessment Board itself carries a column for recording the percentage of benchmark disability, and that the Board is accordingly entitled to arrive at its own finding in that regard; and that, in any event, the question of eligibility or ineligibility for PwBD reservation has to be examined strictly in accordance with Clause 12.4 of the Guidelines dated 27.07.2026.

19. Having heard learned Counsel for the parties, we are of the considered view that the issue raised in the present writ petition is primarily one relating to the scope and extent of the power of the Medical Assessment Board, constituted under the Guidelines on Assessment of Persons with Benchmark Disability (PwBD) for Admission to the MBBS Course issued by the National Medical Commission on 27.07.2026, to issue an eligibility certificate — and, in particular, whether the said Board could travel beyond a Functional Competency Assessment so as to re-quantify the extent of the petitioner's disability and thereby deny the benefit of reservation available to a certified PwBD candidate.

20. Before advertng to the precedents relied upon, it is necessary to notice the statutory architecture of the Act of 2016 bearing on the question at hand. Section 2(r) of the Act of 2016 defines "*person with benchmark disability*" to mean a person certified to have not less than forty percent of a specified disability, where the specified disability has not been defined in measurable

terms, as certified by the certifying authority. Section 56 empowers the appropriate Government to notify Guidelines for the purpose of assessing the extent of a specified disability, and to specify the authority which shall issue a certificate of disability. Section 57 designates the certifying authority, which in the present case is the Chief Medical Officer, District Sultanpur, who is competent to assess and certify, *inter alia*, the percentage of disability suffered by a person. Section 58 provides for the manner of application and issuance of a certificate of disability.

21. It is thus the certifying authority under Section 57 of the Act of 2016, applying the criteria notified under Section 56, that is statutorily entrusted with the exercise of quantifying the extent of a person's disability and issuing the certificate of disability and the corresponding Unique Disability ID (UDID). According to this Court, once such a certificate is issued and remains unrevoked, unchallenged and subsisting, the percentage of disability recorded therein constitutes the statutory determination of that fact, binding on all authorities, unless set aside by a forum competent to do so in accordance with law.

22. Having determined the competent authority for issuance and deciding the percentage of disability, this Court proceeds to examine the inter-play between the Act of 2016 and the guidelines issued by the National Medical Commission.

23. Apparently, the Guidelines dated 27.07.2026 issued by the NMC, a body deriving its regulation-making authority under the National Medical Commission Act, 2019 for matters of medical education, do not purport to, and indeed could not, arrogate to themselves the power to re-determine the percentage of disability of a candidate, that field being already occupied by Sections 56 and 57 of the Act of 2016, a special beneficial legislation enacted to give effect to India's obligations under the United Nations Convention on the Rights of Persons with Disabilities. Clause 3.17 of the Guidelines itself adopts, in terms, the definition of "PwBD" under Section 2(r) of the Act of 2016; and Clause 9.1, in prescribing the threshold of 40% benchmark disability for the PwBD category, expressly anchors that threshold "in accordance with the Rights of the Persons with Disabilities Act, 2016 and the rules made thereunder". According to this Court, these transplantation of the provisions of the Act of 2016, textually acknowledges that the quantification of disability is to be governed by the Act of 2016 and not re-opened by the Medical Assessment Board constituted under the NMC Guidelines.

24. We have no doubt in our mind in holding that what the Guidelines do contemplate, and what Chapter II thereof is properly directed towards, is a distinct and narrower exercise i.e. an assessment of the "Functional Competency" of the candidate. According to this Court, the domain of the Board is circumscribed to the effect as to whether, notwithstanding the disability already certified and quantified under the Act of 2016, the

candidate possesses the functional capacity, with or without reasonable accommodation and assistive technology, to pursue and complete the MBBS course. This is an assessment of capability to study medicine, not a re-assessment of the fact or extent of disability.

25. This precise question relating to the scope of a Disability/Medical Assessment Board constituted for admission to the medical course has engaged the attention of the Hon'ble Supreme Court in a consistent line of authority, beginning with ***Omkar Ramchandra Gond v. Union of India***, reported in **2024 SCC OnLine SC 2860**. In that case, the appellant, certified with 44-45% speech and language disability on account of a repaired bilateral cleft palate, had qualified NEET (U.G.)-2024 but was declared ineligible by the Disability Certification Centre solely on the ground that his quantified disability of 44-45% exceeded the then-prescribed ceiling under Appendix H-1 of the NMC's Graduate Medical Education Regulations. A Three-Judge Bench of the Supreme Court held that a quantified disability, by itself, cannot operate to disqualify a candidate; the Disability Assessment Board is instead required to record a positive, individualized finding on functional competency, namely, whether the disability, notwithstanding its quantification, would or would not stand in the way of the candidate pursuing the course, and to record reasons for any adverse conclusion. The Court further directed the Ministry concerned to require the NMC to reformulate its Regulations so as to move away from a rigid disability-percentage bar towards a

functional classification of disability, consistent with the principle of reasonable accommodation.

26. The ratio in ***Omkar Ramchandra Gond*** (*supra*) was reiterated and applied by the Supreme Court in ***Om Rathod v. The Director General of Health Services and Others***, reported in **(2024) 19 SCC 70**. The appellant therein, suffering from lower-limb myopathy quantified at 88% disability, having secured 601 marks in NEET (U.G.)-2024 and an All-India PwD rank of 84, was declared ineligible by successive Disability Assessment Boards at AIIMS Nagpur and AIIMS Delhi. The Supreme Court held that the principle of reasonable accommodation engrafted in Section 2(y) of the Act of 2016, read with Article 41 of the Constitution, necessarily means that a candidate cannot be disqualified merely on the basis of a benchmark quantification of disability, and that such a criterion, if applied mechanically, would be constitutionally impermissible. The Court found that neither Assessment Board had evaluated (i) the extent of the appellant's functional disability, or (ii) the extent to which assistive devices could bring that functional disability within permissible limits, and accordingly caused an independent expert assessment to be conducted, upon the strength of which the appellant was permitted to participate in counselling.

27. The principle was further reaffirmed in ***Anmol v. Union of India and Others***, reported in **2025 SCC OnLine SC 387**; (*decided on 21.02.2025*), where the Supreme Court, reversing the view taken by the High

Court of Punjab and Haryana, that it could not substitute its opinion for that of the medical experts constituting the Assessment Board, held that judicial review does lie where an Assessment Board fails to conduct an individualized functional assessment, or where reasonable accommodation is denied to a benchmark-disabled candidate. The Supreme Court reiterated, citing **Vikash Kumar v. Union Public Service Commission**, reported in **(2021) 5 SCC 370**; that reasonable accommodation is not a matter of executive or medical discretion but a constitutionally-anchored obligation flowing from Articles 14 and 21, necessary to render the equality guarantee real and meaningful for persons with disabilities, and that the expectations and needs of every disabled person are unique to that individual and cannot be reduced to a mechanical percentage-based classification.

28. It is this very ratio that has been applied by a Co-ordinate Bench of this Court in the judgments cited by learned Counsel for the petitioner, namely, the Division Bench judgment dated 25.08.2026 in **Somya Pal v. Union of India and Others**, (Writ-C No. 33739 of 2026), wherein it was specifically held as follows:

"5. In this case petitioner possesses disability certificate duly issued by the designated authority under section 57, as well as the UDID card. We are satisfied there is no dispute on petitioner having the certificate and I.D. There was no appeal against issuance of the certificate. The medical and appellate boards, set up for purpose of issuance of eligibility certificate upon a candidate 1st producing disability certificate duly issued and the unique ID card is assessing functionality of the candidate, to ascertain

that the disabled candidate will be able to undertake the medical course in spite of the disability. On query made to appearing respondents, which includes Union of India under whom the designated authority operates, we have not been shown any provision in the Act that renders the assessment by the Medical Board and thereafter opinion of the Appellate authority to have primacy over the certificate issued by the designated authority. Furthermore, the medical board and the appellate authority, set up for purpose of issuance of eligibility certificate in the matter of counseling, have themselves differed with each other, the former reporting 22% disability and the latter increasing it to 28%. The important thing is the remark made by the medical board, as already discussed above.”

29. We also find that even the Single Bench judgment dated 20.08.2026, in ***Shubham Rai v. Union of India and Others*** (Writ-C No. 8810 of 2026), and another Single Bench judgment dated 07.08.2025, in ***Maaz Ahmad v. Union of India and Others***, reported in ***2025 SCC OnLine All 4736***; of this Court to be appropriate to the context and having a persuasive effect. Pertinently, in each of these cases, this Court, following the above line of Supreme Court authority, has held that a Medical Assessment Board constituted under the NMC Guidelines for admission to the MBBS course is not vested with the power to re-quantify or displace the percentage of disability already certified by the competent authority under Sections 56 and 57 of the Act of 2016, and that its jurisdiction is confined to certifying, upon an individualized functional assessment, whether the candidate, notwithstanding the disability so certified, is functionally competent, with or without reasonable accommodation, to pursue the medical course. We

respectfully concur with, and consider ourselves bound by, the consistent view so taken.

30. Tested on the touchstone of the above authorities, the impugned "Eligibility Certificates" and the "Medical Opinions on Appellate Reassessment" cannot be sustained. It is not in dispute that the petitioner holds a subsisting, unrevoked Disability Certificate and UDID issued by the Chief Medical Officer, District concerned, which is the competent certifying authority under Section 57 of the Act of 2016, quantifying the petitioner's disability at 45%, comfortably above the 40% threshold prescribed by Clause 9.1 of the Guidelines dated 27.07.2026 for the PwBD category. Neither the Medical Assessment Board nor the Appellate Medical PwD Assessment Board was the certifying authority designated under Section 57, nor has either Board purported to exercise any power traceable to Sections 56 to 58 of the Act of 2016. In unilaterally scaling down the petitioner's certified disability from 45% to 20% and thereupon holding the petitioner "ineligible for PwD reservation"/"ineligible under PwBD category", both Boards travelled wholly outside the field entrusted to them under Chapter II of the Guidelines, namely, Functional Competency Assessment — and impermissibly encroached upon the exclusive statutory domain of the certifying authority under the Act of 2016. This constitutes a clear excess of jurisdiction.

31. We find no substance in the submission of learned Counsel for the respondents that the prescribed format

itself carries a column for recording the percentage of disability, and that Clause 12.4 of the Guidelines governs the question of PwBD eligibility. The existence of a column in a form cannot confer substantive jurisdiction that the parent statute withholds; a Guideline framed by the NMC, a body exercising delegated, subject-specific regulatory authority in the field of medical education, must yield to, and be read consistently with, the plenary statutory scheme of the Act of 2016, and cannot be construed so as to arm a body other than the Section 57 certifying authority with the power to make a fresh determination of the extent of disability. Any clause of the Guidelines, including Clause 12.4, that purports to authorize the Assessment Board to re-determine the quantum of benchmark disability, rather than merely to record a reasoned, individualized opinion on functional competency, would be *ultra vires* the Act of 2016 and would also offend the guarantee of equality under Article 14 of the Constitution of India, inasmuch as it would subject a certified PwBD candidate to a second, uncanalised and standard-less determination capable of defeating a right already crystallized in the candidate's favour. In any case, this Court has itself examined clause 12.4 of the guidelines, which does not in any manner authorizes the assessment Board to quantify the percentage or makes it incumbent to give any reasons relating to the percentage of disability. Clause 12.4 of the guidelines may be profitably extracted as herein below:

"12.4 *A candidate shall be declared ineligible only where the Medical Assessment Board, after due consideration of reasonable accommodation*

and assistive technology, records, by a reasoned and speaking order, that the candidate is unable to acquire the essential competencies prescribed under the Based Medical education (CBME) curriculum or that the disability would pose a demonstrable and unacceptable risk to patient safety which cannot be mitigated through reasonable accommodation.”

32. Further, we are rather surprised that when clause 12.3(b) of the guidelines in specific terms declare that ‘No candidate shall be declared ineligible solely on the basis of the percentage of benchmark disability recorded in the UDID Card or disability certificate’, how the Assessment Board invent some deleterious tactics to declare a candidate ineligible by reducing the percentage of disability in its eligibility certificate.

33. Moreover, we may usefully record that it is significant that even the impugned Eligibility Certificates despite recording a reduced percentage, has found the petitioner "eligible for medical education" — that is, functionally competent to pursue the MBBS course. Once functional competency stands affirmatively recorded, the denial of the benefit of PwBD reservation, founded entirely on an unauthorized re-quantification of disability, cannot be permitted to stand, being both without jurisdiction and violative of the petitioner's rights under the Act of 2016 and Article 14 of the Constitution of India.

34. We accordingly hold that the conclusions "Ineligible for PwD Reservation" recorded in the Eligibility

Certificates and "Ineligible under PwBD category" recorded in the Medical Opinion on Appellate Reassessment (*as mentioned in the Table-A and Table-B, in paragraph no.1*) are unsustainable in law and are liable to be quashed, without disturbing the finding of functional competency/eligibility for medical education recorded in the said Certificate and Opinion, which shall stand undisturbed and shall enure to the benefit of the petitioner.

35. For the reasons recorded above, all these three writ petition(s) succeeds and are, accordingly, ***allowed*** with the following directions :-

- (i)** The conclusion "Ineligible for PwD Reservation" mentioned in the Eligibility Certificates issued by the Medical Assessment Boards, and the final medical opinions i.e. "Ineligible under PwBD category" mentioned in the Medical Opinions on Appellate Reassessment, issued by the Appellate Medical PwD Assessment Board, are hereby *quashed*.
- (ii)** The finding of functional competency/eligibility for pursuing medical education recorded in the aforesaid Certificates and Medical Opinions shall remain undisturbed and shall be read as applicable to the petitioner(s) as a Person with Benchmark Disability.
- (iii)** The respondent authorities, shall treat the petitioner(s) as an "eligible candidate" under the PwBD Reserved Category for the purposes of NEET (U.G.)-2026 counselling, on the strength of the

Disability Certificates and UDID Cards issued by the Chief Medical Officer, District concerned, read with the finding of functional competency recorded by and shall permit the petitioner to participate, on that basis, in the remaining round(s) of online counselling of NEET (U.G.)-2026, and to be considered for allotment of a seat strictly in accordance with the petitioner's All-India PwBD Rank and the applicable rules of counselling.

- (iv)** The interim orders whereby the petitioner(s) were permitted to participate in the ongoing counselling as a PwBD Reserved Candidate, are hereby made absolute and shall continue to **enure** to the benefit of the petitioner(s) till the seat allotment process attains finality.
- (v)** Any seat that may have already been provisionally allotted to, or joining permitted for, the petitioner pursuant to the interim orders shall not be disturbed on account of the impugned Certificates/Opinions, and shall be regularised in light of this judgment.
- (vi)** It is clarified that this judgment does not, in any manner, dilute the requirement of a Functional Competency Assessment as contemplated under Chapter II of the Guidelines dated 27.07.2026; it only holds that such assessment cannot extend to a re-quantification of the extent of disability already certified by the competent authority under Sections 56 and 57 of the Act of 2016.

(vii) The National Medical Commission, shall be at liberty to issue suitable clarificatory instructions to all Medical Assessment Boards constituted under the Guidelines dated 27.07.2026, reiterating that their mandate is confined to an individualized Functional Competency Assessment, consistent with the law laid down by the Supreme Court in ***Omkar Ramchandra Gond*** (*supra*); ***Om Rathod*** (*supra*); and ***Anmol*** (*supra*); and that any quantification of disability recorded in a certificate issued under Sections 56 and 57 of the Act of 2016 shall not be re-opened or varied by such Boards.

36. The writ petition is ***allowed*** in the above terms.

37. There shall be no order as to cost(s).

(Abdhesh Kumar Chaudhary, J.)

I agree

(Shekhar B. Saraf, J.)

September 23, 2026

Anuj Singh