

**IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT  
THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN**

Wednesday, the 4<sup>th</sup> day of October 2023 / 12th Aswina, 1945  
**WP(C) NO. 29080 OF 2023(I)**

**PETITIONER:**

**AISWARYA S, AGED 19 YEARS,**

**RESPONDENTS:**

1. UNION OF INDIA, REPRESENTED BY SECRETARY MINISTRY OF EDUCATION, 124-C, SHASTRI BHAWAN, NEW DELHI, PIN - 110001.
2. THE SECRETARY, MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT GROUND FLOOR, ANTYODAYA BHAWAN, ROOM NO. 637, A-WING, SHASTRI BHAWAN, NEW DELHI., PIN - 110001.
3. MEDICAL COUNSELLING COMMITTEE, REPRESENTED BY DIRECTOR GENERAL OF HEALTH SERVICES. NIRMAN BHAWAN, RAJPATH AREA, CENTRAL SECRETARIAT, NEW DELHI., PIN - 110001.
4. NATIONAL TESTING AGENCY, DEPARTMENT OF HIGH EDUCATION, C-20 1A/8, SECTOR 62, IITK OUTREACH CENTRE, NOIDA, UP REPRESENTED BY DIRECTOR GENERAL, PIN - 201309.
5. MEDICAL BOARD FOR DISABILITY (DESIGNATED DISABILITY CENTRE), THIRUVANANTHAPURAM MEDICAL COLLEGE, THIRUVANANTHAPURAM, KERALA - 695011, REPRESENTED BY ITS CHAIRMAN, PIN - 695011.
6. NATIONAL MEDICAL COMMISSION, (FORMERLY MEDICAL COUNCIL OF INDIA) FOCKET - 14, SECTOR - 8, DWARAKA PHASE - 1, NEW DELHI REPRESENTED BY ITS CHAIRMAN, PIN - 110077.
7. THE CONVENOR - NEET CENTRAL BOARD OF SECONDARY EDUCATION, SIKSHA KENDRA, 2- COMMUNITY CENTRE, PREET VIHAR, NEW DELHI, PIN - 110092.
8. THE DISABILITY CERTIFICATION BOARD, (DESIGNATED DISABILITY CERTIFICATION CENTRE - NEET) MADRAS MEDICAL COLLEGE, PARK TOWN, CHENNAI , REPRESENTED BY ITS CHAIRMAN, PIN - 600003.
9. SUPERINTENDANT, GOVERNMENT TALUK HEAD QUARTERS HOSPITAL, RANNI, SH8, PATHANAMTHITTA DISTRICT, PIN - 689672.
10. ADDL.R10: MEDICAL COUNCIL OF INDIA, REPRESENTED BY ITS SECRETARY, PHASE -1, DADA DEV MANDIR ROAD, BLOCK P, SECTOR 8, DWARKA, NEW DELHI, PIN - 110077.
11. ADDL.R11: THE PRINCIPAL, TIRUNELVELI MEDICAL COLLEGE, HIGH GROUND, TIRUNELVELI- 11, STATE OF TAMIL NADU., PIN - 627011.
12. ADDL.R12: DEAN, TIRUNELVELI MEDICAL COLLEGE, HIGH GROUND, TIRUNELVELI- 11, STATE OF TAMIL NADU., PIN - 627011. (ARE IMPEADED AS PER ORDER DATED 04/10/2023 IN IA 1/23 OF WP(C))

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to pass an order directing the respondents to give admission to the petitioner to MBBS course, pending disposal of the above Writ Petition (Civil).

This petition coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and this Court's order dated 01.09.2023 and upon hearing the arguments of M/S. P.HARIDAS, BIJU HARIHARAN, SHIJIMOL M.MATHEW, P.C.SHIJIN, RISHIKESH HARIDAS & ROSHIN MARIAM JACOB, Advocates for the petitioner, DEPUTY SOLICITOR GENERAL OF INDIA for R1 to R4, GOVERNMENT PLEADER for R5 and R9, STANDING COUNSEL for R6 & R7 and of SMT.MINI GOPINATH, Advocate for Addl.R10 to R12, the court passed the following:



**DEVAN RAMACHANDRAN, J.**

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**W.P.(C)NO.29080/2023**

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**Dated this the 4<sup>th</sup> day of October, 2023**

**ORDER**

The primary question in this case, is not whether the petitioner is 'disabled', but whether her 'disability' would impede her studies as a medical student.

2. Both the Disability Certificates on record, namely Exts.P10 and P19, say that she cannot continue the course, but without citing any reason as to why. This is crucial because, going by the Regulations - a copy of which is on record as Ext.P5 - certain specific criteria had to be verified to assess whether the petitioner was incapable of continuing as a medical student. This does not appear to have been done.

3. Smt.Mini Gopinath - learned Central Government Counsel, is, therefore, directed to obtain instructions from the competent Authority, as to whether the petitioner can be assessed specifically with respect to her condition, as to if she can continue the course and be a doctor in future.

4. It must be borne in mind that, what we are dealing

WPC 29080/23

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with is the life of a person, whose ambitions will be killed, solely because she is found to be 'disabled'. It requires empathy and concern before a person can be declared as being "disabled" and incapable of pursuing medical studies.

5. Obviously, this writ petition cannot be seem to be adversarial in nature; and if the Authorities can come to the aid of the petitioner, they should.

6. The afore perspective must be kept in mind by the competent Authority while reverting to this Court.

7. In the mean while, until the next posting date, the petitioner will be allowed to continue the course *dehors* Ext.P19, but subject to further orders from this Court.

List on 11.10.2023

Sd/-

**DEVAN RAMACHANDRAN, JUDGE**

(H/o)  
ACR

**APPENDIX OF WP(C) 29080/2023**

- Exhibit P5** TRUE COPY OF THE GRADUATE MEDICAL EDUCATION REGULATIONS, (AMENDMENT), 2019 DATED 13.05.2019
- Exhibit P10** TRUE COPY OF THE CERTIFICATE OF DISABILITY FOR NEET ADMISSIONS DATED 14.07.2023
- Exhibit P19** TRUE COPY OF THE CERTIFICATE OF DISABILITY ISSUED BY THE DESIGNATED DISABILITY CENTRE IN CHENNAI DATED 20.09.2023

