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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 17129/2022 & CM APPL. 54431/2022, CM APPL. 54432/2022 & CM APPL. 54433/2022

USMAN

..... Petitioner

Through: Ms Sadiya Rohma Khan and Mr Asad Alvi, Advocates.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Ms Monika Arora, CGSC with Mr Subhrodeep Saha and Mr Yash Tyagi, Advocates for R-1 and R-2.

Mr Sanjay Khanna, Standing Counsel, Ms Pragya Bhushan, Mr Karandeep Singh and Mr Tarandeep Singh, Advocates for R-3.

Mr T. Singhdev and Mr Abhijit Chakravarty, Advocates for R-4.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

15.12.2022

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1. It is noted from the memo of parties that respondent no.4 has been mentioned as National Medical Board instead of National Medical Commission.
2. The learned counsel for the petitioner seeks to file an amended memo of parties correcting the name of respondent no.4.
3. The petitioner's grievance in the present writ petition is that he is a person with 60% locomotor disability which falls under clause (c) of Section

34(1) of the Rights of Persons with Disability Act, 2016. The petitioner undertook NEET-UG, 2022 examination and after clearing the same he reported at the designated Disability Assessment Board constituted by the Medical Council Committee of DGHS for his assessment as per the statutory regulations of the National Medical Commission. The Designated Medical Assessment Board in the present case is the Lady Hardinge Medical College and associated hospitals, New Delhi, which assessed the petitioner's disability at 100% on 08.10.2022. Apart from the disability, the Board made the observation that "*the candidate is not using any assistive devices hence the functional competency could not be assessed.*"

4. The learned counsel for the petitioner submits that the assessment of the petitioner's disability to the extent of 100% is not tenable especially when the Disability Board has itself observed that the petitioner is not using any assistive devices.

5. Issue notice. The learned counsel for the respondents accept notice.

6. Counter affidavit be filed within a period of four weeks. Rejoinder thereto, if any, be filed before the next date.

7. Re-notify on 27.02.2023.

VIKAS MAHAJAN, J

DECEMBER 15, 2022
MK