

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2982 of 2023**

Dr. Ashwini Singh S/o Shri Yogendra Singh Aged About 25 Years
R/o House No.68, Sector E, Shrinathpuram, Kota, Rajasthan-
324001.

---- **Petitioner****Versus**

1. All India Institute of Medical Science, Raipur Through Its Director, Great Eastern Road, Opposite Gurudwara, AIIMS Campus, Tatibandh, Raipur, Chhattisgarh - 492099.
2. Union of India Through Its Secretary, Ministry off Health and Family Welfare, Room No.348, A Wing, Nirman Bhavan, New Delhi-110011.
3. National Medical Council Pocket-14, Sector-8, Dwarka Phase-1, New Delhi - 110077.

---- **Respondents**

(Cause-title taken from Case Information System)

For Petitioner	: Mr.Gautam Khetrapal, Advocate
For Respondent Nos.1 & 2	: Mr.Tushar Dhar Diwan, Advocate
For Respondent No.3	: Mr.Venketesh Pandey, Advocate holding the brief of Mr.R.S.Marhas, Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice**Hon'ble Smt.Rajani Dubey, Judge****Order on Board****Per Ramesh Sinha, Chief Justice****07.07.2023**

1. Heard Mr. Goutam Khetrapal, learned counsel for the petitioner. Also heard Mr. Mr.Tushar Dhar Diwan, learned counsel for respondents No.1 & 2 and Mr.Venketesh Pandey, learned counsel holding the brief of Mr.R.S.Marhas, learned counsel for respondent No.3.

2. The present writ petition has been filed by the petitioner with the following prayers:

“a) Issue an appropriate writ, order or direction, moreover in the nature, directing the respondents to sent the petitioner’s case to the Central Advisory Board on Disability as per Section 60 of the Rights of Persons with Disability Act, 2016 for proper adjudication.

b) Issue an appropriate writ, order or direction, moreover in the nature of certiorari, quashing the impugned orders dated 11.03.2023 and 01.05.2023

c) Issue an appropriate writ, order or direction, moreover in the nature of mandamus, directing the Respondents to let the Petitioner join any concerned department as per his suitability & fitness.”

3. Learned counsel appearing for the petitioner would submit that the petitioner had met with an accident and because of his disability, he could not continue his courses of Post Graduate Course in Emergency Medicine, but the petitioner is not being provided to continue with the said courses though there appears to be recommendation of the Committee. He has drawn the attention of this Court towards Annexure P-8 dated 15.2.2023 in which the committee has suggested that considering the use of myo-electric prosthesis and current moter skill, the candidate may be permitted to continue course in few other branches wherein time based competencies are not involved. During the interaction with the candidate,

he has expressed his interest in Radiodiagnosis, Nuclear Medicine Dermatology and Psychiatry. So committee members are of the opinion to consider the same in the best interest of candidate and further Annexure P-9 dated 01.05.2023. Considering the aforesaid facts, the case of the petitioner may be considered sympathetically by respondent No.1.

4. Learned counsel for respondents No.1 and 2 states that the case of the petitioner would be considered as observed by the Committee in Annexure P-8 and as per Annexure P-9 in accordance with law and appropriate orders will be passed.

5. Considering the submissions made by the learned counsel for the parties and taking into consideration Annexure P-8 and Annexure P-9, the present writ petition is **disposed off** with a direction to respondent No.1 to consider the case of the petitioner sympathetically in accordance with law within a period of six weeks from today.

Sd/-

(Rajani Dubey)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice