

AFR*Neutral Citation:- 2025:AHC-LKO:46235*

HIGH COURT OF JUDICATURE AT ALLAHABAD
(LUCKNOW)

Court No.- 6**WRIT – C No. 7585 of 2025**

Maaz Ahmad

.... Petitioners**Versus**

U.O.I. Thru. Secy. Ministry Of Health And Family Welfare Nirman
 Bhawan New Delhi and 8 Others

....Respondents

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

CORAM: HON'BLE PANKAJ BHATIA, J.

J U D G M E N T
(07.08.2025)

1. Heard Shri Rajeiu Kumar Tripathi and Shri Diwakar Singh Gautam learned counsel(s) for the petitioner and Shri S.B. Pandey, learned Senior Advocate and D.S.G.I. 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 Srivastava, learned counsel for respondent no.6 and Shri Vikas Rai, learned counsel for respondent no.7.

2. Present petition has been filed by the petitioner who is suffering from benchmark disability as defined under the provisions of the Rights of Persons with Disabilities Act, 2016 (hereinafter referred to as "Act").

The claim of the petitioner is that the petitioner is suffering from benchmark disability as defined under Section 2(r) of the Act which is quoted hereinbelow:

“2. Definitions.—In this Act, unless the context otherwise requires,—

...

(r) “person with benchmark disability” means a person with not less than forty per cent of a specified disability where specified disability has not been defined in measurable terms and includes a person with disability where specified disability has been defined in measurable terms, as certified by the certifying authority;”

3. It is argued that the present petitioner also belongs to Other Backward Class, for which, a certificate was granted to the petitioner. It is stated that the petitioner after qualifying the CBSE Class-XII examination approached the Chief Medical Officer, Bahraich, an Authority designated under Section 57 of the Act and also empowered from the Department of Empowerment of Persons with Disabilities under the Ministry of Social Justice and Empowerment, Govt. of India, in whose case, the locomotor disability was assessed with 70% permanent disability in relation to body and leg of the petitioner. The said certificate is on record as Annexure No.4. It is also stated that the petitioner was issued a Unique Disability ID (for short ‘UDID’) on 07.07.2023 by the Competent Authority. The petitioner, desirous of appearing in the NEET examination, held by the NTA, applied in terms of public notice dated 07.02.2025 and filled the necessary information as contained in the information bulletin. The petitioner claimed the benefit of reservation which flow in favour of ‘persons with benchmark disability’ (hereinafter referred to as "PwBD").

4. It is claimed that after the petitioner appeared in the examination, he obtained All India Rank 997 in the category of PwBD. It is stated that after having qualified the NEET Examination with the rank as mentioned herein above, the petitioner was to appear in the first round of counseling/ registration for U.P. NEET UG 2025 wherein, the commencement of online registration was mentioned as from 18.07.2025 upto 28.07.2025. In the said bulletin issued in the Chapter 3 titled as reservation, bullet point

no.4 after Para 'Kha', it was mentioned that the disability certificate shall be accepted which has been issued by the centres designated by Director General of Health Services (DGHS), Ministry of Health and Family Welfare, New Delhi as per its guidelines and prescribed format. In the said brochure which has been filed as Annexure No.13, Enclosure No.V contains the list of centres which are empowered to issue disability certificates as per the NMC norms to the persons suffering from the disability as prescribed under the Act. It is stated that when the petitioner appeared before the Medical Institute, BHU, which is notified under the Brochure, he filed an application and appeared before the Three Member Team which granted a medical certificate showing his disability assessed at 31% disability, however, he was declared qualified to undertake medical studies in the functional disability test. It is argued that as the benefit of the disability assessed by the Centre notified in the scheme was less than 40%, he would naturally not be entitled to the benefit of reservation accorded to the students suffering from benchmark disability which is more than 40%.

5. In the light of the said, the said medical certificate has been challenged alongwith a prayer that the petitioner having been issued a UDID demonstrating that the disability suffered by the petitioner is more than 40%, the benefit of reservation cannot be denied to him. It is further argued that the assessment of the medical done by the BHU, a centre notified by the NMC, was done by three doctors of the Neurology Department as is evident from the certificate itself, thus, the said certificate has been assailed as having not been issued in terms of Notification Dated 12.03.2024 issued by the Ministry of Social Justice and Empowerment.

6. Learned counsel or the petitioner further argues that all these aspects were adequately considered by the Hon'ble Supreme Court in the case of *Om Rathod v. Director General of Health Services and Ors.*; **2024 SCC OnLine SC 3130** to argue that the benefit which are extendable

to the persons who are suffering from benchmark disability flow by virtue of the provisions the Act and the manner of assessing the disability is prescribed in the Act, the notification issued by the Ministry of Health in terms of the directions given by the Hon'ble Supreme Court in the case of ***Om Rathore (Supra)***.

7. He argues that the manner in which the disability has been assessed by the Agency notified by the National Medical Council, the UDID issued to the petitioner is rendered useless and in fact amounts to superseding the UDID issued by the petitioner which is neither prescribed nor can be done. He, thus, prays that the petitioner may be permitted to undergo and register for counseling with the respondent. It is stated that the date for registration for counseling has been extended up to 11.08.2025 starting from 08.08.2025.

8. Learned counsel for the respondent fairly states that the guidelines with regard to the assessment of the persons claiming the benefit of benchmark disability were incorporated and in the guidelines issued, it was provided that the certificate can be issued by the designated agencies. It is argued that in terms of the guidelines issued, the respondents are bound by the same and as the certificate issued by the Centre, which is designated, demonstrates the benchmark disability suffered by the petitioner to be less than 40%, the benefit cannot be granted to the petitioner and he cannot be permitted to register as a student suffering from benchmark disability.

9. My attention is also drawn to the guidelines on assessment method for granting admission in MBBS Course to PwBD Candidates for the Assessment Year 2025 – 26; the said was produced before the Hon'ble Supreme Court in ***Writ Petition (Civil) No.1093 of 2022 (Vishal Gupta v. Union of India & Ors.)*** which petition has been disposed off. The order passed by the Supreme Court is extracted herein below:

“1. Pursuant to the directions issued by this Court from time to time, the National Medical Commission has on 19.07.2025 notified Interim

Guidelines On Assessment Method for Granting Admission In MBBS Course To PwBD Candidates For AY 2025-2026. The relevant portion is extracted herein below for ready reference:

"INTERIM GUIDELINES ON ASSESSMENT METHOD FOR GRANTING ADMISSION IN MBBS COURSE TO PwBD CANDIDATES FOR AY 2025-26

PREAMBLE:

In pursuit of equitable and inclusive medical education, the National Medical Commission (NMC) remains steadfast in its commitment to ensuring fair access to medical courses for all eligible candidates, including Persons with Disabilities (PwD). In alignment with the provisions of the Rights of Persons with Disabilities Act, 2016, and the Graduate Medical Education Regulations, this interim report outlines the foundational framework and preparatory measures for facilitating the admission of PwBD candidates in MBBS Course.

This report serves as a step towards strengthening existing mechanisms, identifying challenges, and proposing recommendations for creating an enabling environment that upholds the principles of dignity, non-discrimination, and equal opportunity. It focuses on key aspects such as assessment of disability, eligibility criteria, reasonable accommodations, accessibility standards, and institutional readiness.

The NMC acknowledges the valuable contribution of a diverse medical workforce and envisions a system where every aspiring student, irrespective of physical or cognitive ability, is empowered to pursue a career in medicine and serve society with competence and compassion.

1. Introduction

In alignment with the Rights of Persons with Disabilities (RPwD) Act, 2016, and subsequent notifications, particularly the directive issued by the Ministry of Social Justice and Empowerment (MoSJE) on 12.03.2024, which underscores the principles of inclusive education and reasonable accommodation, and the landmark judgment of the Hon'ble Supreme Court dated 25.10.2024 in Om Rathod vs Union of India & Others (SLP (C) No. 21942 of 2024), a significant shift has been initiated in the national approach toward disability inclusion in higher education.

xxxx	xxxx	xxxx
xxxx	xxxx	xxxx

9. Decision Taken

The expert panel unanimously agreed on the following for MBBS admissions under the PwBD category for AY 2025-26:

PwBD candidates must submit:

A valid UDID card issued by a designated medical authority under MoSJE.

Self-Certified affidavits in the format provided under Schedule -I.

The candidate will have to approach the designated medical board for verification of their self-certified affidavit.

Designated Medical Boards (16 designated medical boards) are required to undertake following duties:

● *The competencies mentioned in the appendix under Schedule-I are basic & mandatory. The candidates, to the satisfaction of the designated medical board, may demonstrate the competencies that have been declared by him/her. If the board finds the declared competencies unsubstantiated based on the candidate's performance, it must issue a reasoned decision declaring him/her ineligible to pursue medical course.*

● *If the candidate while self-declaring the essential competencies mentions one or more competencies in negative or is not able to demonstrate one or more of the listed essential competencies, the board shall see if he/she is able to compensate such deficits, by other alternative functionalities; and may take a holistic view regarding his capability to pursue MBBS course.*

● *The designated medical boards may utilize standardized tests and tools to evaluate the abilities of the candidates, as per their declaration, instead of focusing on the disabilities.*

● *All decisions of the designated medical board(s) shall be in the form speaking orders.*

● *Admissions will be processed by the counseling authority, based on NEET 2025 scores, institutional preferences, and verification of required documents by the concerned designated medical board(s). Medical colleges will provide accommodations accordingly."*

2. Learned counsel for the petitioner submits that the present Writ Petition can be disposed of in terms of the interim guidelines and the petitioner can avail the benefit arising out of that guidelines.

3. The Writ Petition is disposed of in terms of the above observation.

4. Pending application(s), if any, shall stand disposed of."

10. In the light of the arguments as raised and recorded above, it is to be considered by this Court as to whether the petitioner would be entitled to take the benefit of reservation extendable to persons with benchmark disability as defined under the Act on the basis of UDID Card issued to the petitioner or the said benefit can be denied on the basis of medical assessment done by the designated agency in terms of the circular issued by the National Medical Council.

11. All these aspects were considered by the Supreme Court extensively in the case of *Om Rathord (supra)*. The Court had also taken into consideration the facts and the developments leading to the

enactment of the Act. The Court had also noticed that the persons who were claiming the rights and reservation granted to persons with disability was no more a charity and was a right entrenched under the Act. The Court had noticed the form which was required to be filled by the persons for claiming the benefit of benchmark disability. Para 22 & Para 23 of the judgment read as under:

“22. From promoting self-rejection of disabled medical aspirants to assuming that their accommodations would lower the standard of competence and would regardless be fruitless - the guidelines have charted their way into disrepute. Vitally, the resistance to alter the standard in a framework that has historically effaced a marginalised group - namely disabled persons other than in the capacity of a patient - is antithetical to any rights based approach to disability law. Many other issues of critical importance arise from these guidelines which are not germane to evaluate the case before us but may be open for an appropriate proceeding.⁷ The current guidelines allow persons with more than eight percent locomotor disability to be admitted to MBBS course on a case by case basis after a functional competency to see whether their disability can be ‘brought below 80%.’ Before proceeding to analyse this guideline, it is essential that we clarify the phrase ‘brought below 80%’.

23. The intention of the guideline in using the term ‘brought below 80%’ is ostensibly to mean that the functional assessment shall evaluate if the person with disability can perform the tasks which they are expected to perform as a student and a practitioner. The assumption in using the phrase ‘below 80%’ defeats the purpose of the guideline which is to allow candidates into the MBBS course on a case by case basis. Bodies are not biological parts put together - each to serve a pre-determined role. They are alive - with thoughts, feelings, dreams and aspirations. All bodies - abled and disabled - are guaranteed dignity under the Constitution. A person with disability has to navigate the rigours of a society which was modelled on the premise of their absence. The disability of a person is a reflection on the inaccessibility of the society and not a comment upon the individual. A person does not overcome disability but learns to navigate life with it. Disability is not a thing to be overcome or brought down, but an attribute to be acknowledged and accommodated. The use of the term ‘brought below 80%,’ as well intentioned as it may be, fails at this foundational premise. One cannot assume that all persons with more than 80% locomotor disability are incompetent to pursue medicine when their functional abilities have not been assessed. The medical model of disability apparent in the phrase must give way to a social model of disability which takes into account the variety of experiences and outcomes which persons with disabilities have when they interact with different kinds of societies and accommodations.”

12. The Court also noticed the Act which harmonizes the constitutional promise of full citizenship with action in Para 26, which reads as under:

“26. The Act harmonises the Constitutional promise of full citizenship with action - by creating a framework in which persons with disabilities

may translate their rights into remedies. To establish a bed of rights, Section 2 of the Act defines and acknowledges barriers, discrimination, inclusive education and reasonable accommodation. Section 3 of the Act affords the right to equality and non-discrimination for persons with disabilities. The requirement of assessing the functional competence of a medical aspirant with over eighty percent locomotor disability recognises that assessment must be done on a case to case basis. The method of assessment by designated Disability Assessment Boards must therefore reflect the approach and intent of the legal framework within which the Boards operate. An assessment for functional competency entails an analysis of the skill set which a person with disability must learn in order to compete and pursue the medical course. This is a marked difference from requiring a specific manner which a candidate must use to achieve the outcome. For example, a functional competency model would require a candidate to effectively communicate with patients but would not require them to have speech or intact hands. By focusing on the end points, the approach avoids any ableism to seep into the assessment and avoids reifying that there is one and only one manner to achieve desired outcomes.”

13. The Court also noticed the observation of the Supreme Court in another case of ***Omkar Ramchandra Gond v. Union of India; 2024 SCC OnLine SC 2860*** to the following effect:

“28. Justice KV Viswanathan speaking for this Court in Omkar Gond (supra) has applied a purposive interpretation to the guidelines (Appendix “H-1”) in the context of a medical aspirant with dialectic incapacity. This Court held that the principle of reasonable accommodation in Section 2(y) of the RPWD Act read with Article 41 of the Constitution necessarily means that (i) a person cannot be disqualified merely on the basis of a benchmark quantification. Such a criteria would be unconstitutional for being overbroad; (ii) the Disability Assessment Board must not act as monotonous automations looking at the quantified disability and disqualifying candidates. The Board must examine if the candidate can pursue the course with their disability; and (iii) in doing so, the Board is not merely obliged to provide assistive devices and other substances which will help the candidate. The true role of the Board is to assess the competence of a candidate.”

14. The Court also noticed the other judgments of the Supreme Court passed in the context of the Act. The Court also noticed the other judgment of the Supreme Court in the case of ***Purswani Ashutosh v. Union of India; (2019) 14 SCC 422*** and recorded as under:

“35. In Purswani Ashutosh v. Union of India, 19 this Court was deciding if a medical aspirant who had appeared for the NEET UG Exam 2018 was eligible for the reservation earmarked for persons with disabilities. Despite having low vision impairment - the Medical Board had opined that the petitioner in that case was ineligible for reservation. While rejecting the opinion of the committee, this Court held that a medical board cannot be allowed to override the statutory mandate of providing reservation to persons with disabilities. No committee has primacy over

the law. We must emphasize that the opinions of medical boards and committees are not only required to adhere to legal standards but must also embody core principles of the rule of law within their processes. This Court, following a consistent line of precedent, has underscored the need for reasoned and transparent decisions by such boards, given the profound impact these opinions have on the life trajectory of individuals before them.”

And the Court while interpreting the appendix interpreted the same as under:

“37. Appendix “H-1” stipulates that assessments, particularly for individuals with locomotor disabilities exceeding 80%, should focus on evaluating functional competence. This functional competency test serves two critical purposes. First, it emphasizes the abilities of the person with a disability, assessing their capability rather than their limitations. Second, it mandates an evaluation rooted in practical relevance, aligning the candidate's abilities with the functional requirements of the MBBS curriculum. Mere quantification of disability is insufficient and fails to address the necessary criteria, a position this Court has consistently upheld as unsatisfactory in such cases.”

15. The Court also observed as under:

“39. Courts are not expert bodies in matters of medicine. The competent authority to adjudge the eligibility of a person to pursue a medical course is the Disability Assessment Board. However, courts have the jurisdiction to ensure that the manner in which the Board proceeds and functions is in compliance with established principles of law. Ultimately, the Court will have to rely on the opinion of the Board to adjudicate the legal remedies of a person with disability. The interference of Courts is not to supplant its opinion for that of the experts but to ensure that a holistic evaluation of competence is conducted and that no person's career is set at naught with the stroke of a pen.”

16. The Supreme Court also noticed as under:

“53. We have noted above that Disability Assessment Boards must comply with rule of law principles by injecting transparency, fairness and consistency in their approach. The Boards must further elaborate on the reasons for the outcome of their assessment, in particular when they opine that the candidate is ineligible. The Disability Assessment Boards must focus on the functional competence of persons with disabilities and not merely quantify the disability. The quantification of disability is a task in need of a purpose within the human rights based model of disability. The functional competency approach to assessment for a medical course is globally recognised. To enable members of the Assessment Boards in effectively applying the functional competency test, they must be adequately trained by professionals and persons with disabilities or persons who have worked on disability justice. These trainings must be with a view to enhance the understanding of the Board members in assessing persons with disabilities and must not pathologize or problematize them.

54. The disability of a person is quantified at the time of availing a Unique Disability ID Card.²⁷ The quantification of disability is moot at the point of admission to educational courses since the eligibility for a person to benefit from reservation may be evaluated using the quantification in the UDID Card. If a person with disability wants to have themselves re-assessed so as to verify whether their disability falls within the prescribed parameters for reservation - they may choose to do so by updating their UDID Cards. The role of the Disability Assessment Boards must be tailored (with a functional competency approach) only for the course which the candidate seeks to pursue.”

17. The Supreme Court had also given the directions for disability assessment course in Para 57, which is as under:

“57. The provision of an audit trail to assess whether a given accommodation required by a student with disability places an undue burden on the institution is a vital safeguard for transparency and fairness. Dr Satendra Singh in his report dated 20 October 2024 has made suggestions to (i) rename the Disability Assessment Boards as Ability Assessment Boards to align them better with their intended purpose; (ii) include a doctor with disability or who is well conversant with disability rights in such Boards; (iii) use a human rights model of disability for assessment; (iv) issue guidance on clinical accommodations; (v) train the Boards in carrying out the disability competency assessment; and (vi) use the Enabling Units to serve as a contact point for clinical accommodations. As far as the inclusion of doctors with disabilities in the Disability Assessment Boards is concerned - the first respondent has issued a circular on 24 March 2022 mandating such inclusion. This direction shall be complied with by all Boards.”

18. Ultimately, the following conclusions were recorded by the Supreme Court in Para 59 & Para 60, which read as under:

“59. Our conclusions in light of this case are formulated in the following terms:

- a. The impugned judgment of the Nagpur bench of the High Court of Judicature at Bombay is set aside and the report of the Disability Assessment Board of AIIMS, Nagpur dated 13 August 2024 is quashed for failing to apply the statutory and regulatory standards applicable to the assessment of a person with disability;*
- b. A supernumerary seat shall be created at the AIIMS, Nagpur and the seat shall be allocated to the appellant, provided that he has not already secured a seat at a college of his choosing;*
- c. The college shall be given the report dated 20 October 2024 which makes suggestions as to the accommodations which may be extended to the appellant to successfully pursue the MBBS course;*
- d. The appellant shall be protected from victimisation;*
- e. The judgment shall apply in rem.*

60. We further conclude as follows:

a. The second respondent shall issue fresh guidelines for admitting persons with disabilities into medical courses. The committee formulating the guidelines must include experts with disability or persons who have worked on disability justice. The guidelines shall comply with the judgments of this Court and contemporary advancements in disability justice;

b. The Disability Assessment Boards shall eschew from a benchmark model to test the functional competence of medical aspirants with disability. The second respondent shall issue appropriate guidelines in this regard;

a. The Disability Assessment Boards shall include a doctor or health professional with disability as per the directions of the first respondent dated 24 March 2022;

b. The conduct of the Disability Assessment Boards shall be fair, transparent and in compliance with principles of the rule of law. Attention must be paid to ensure that candidates appearing before the Board do not feel uncomfortable on account of physical or attitudinal barriers;

c. Reasonable accommodation is a gateway right to avail all other fundamental, human and legal rights for persons with disabilities. Non-availability of reasonable accommodation amounts to discrimination and violates substantive equality of persons with disabilities;

d. The inclusion of persons with disability in the medical profession would enhance the quality of healthcare and meet the preambular virtue of fraternity and the guarantees in Articles 21, 19, 14 and 15 of the Constitution;

e. Applicants to the NEET examination must be informed about the compliance of accessibility norms and provisions of reasonable accommodation available at colleges. The respondents shall issue appropriate directions to create a database with relevant information on accessibility and reasonable accommodation; and

f. Enabling Units at medical colleges shall act as points of contact for persons with disability desirous of accessing clinical accommodations.”

19. My attention is also drawn to another judgment of Rajasthan High Court in the case of **Anmol Son of Subhash Chander, v. Union of India & Ors.; 2023:RJ-JP:39699-DB** wherein the Division Bench of the Rajasthan High Court dealt with almost a similar issue and observed as under:

“34. Before proceeding to deal with the various aspects of challenge to the correctness and validity of the aforesaid certificates issued by the respective disabilities Assessment Boards in favour of appellants, it would be profitable to refer to the observations made by Hon’ble Supreme Court in the case of Vidhi Himmat Katariya & Ors. vs State of Gujarat & Ors., delineating the scope and limitations of judicial review as below:

“8. Now so far as the submission on behalf of the petitioners that while denying admission to the petitioners the State Government and/or authorities have not considered the relevant parameters and have not considered that the respective petitioners are able to perform well is concerned, it is required to be noted that in the present case all the expert bodies including the Medical Board, Medical Appellate Board and even the Medical Board of AIIMS, New Delhi consisting of the experts have opined against the petitioners and their cases are considered in light of the relevant essential eligibility criteria as mentioned as Appendix ‘H’ - ‘Both hands intact, with intact sensation, sufficient strength and range of motion’. Therefore, when the experts in the field have opined against the petitioners, the Court would not be justified in sitting over as an appellate authority against the opinion formed by the experts- in the present case, the Medical Board, Medical Appellate Board and the Medical Board of AIIMS, New Delhi, more particularly when there are no allegations of mala fides.”

40. Learned counsel appearing for the appellant-Anmol assailed the correctness of the certificate issued by the Assessment Board mainly on the basis that the certificate of disability did not contain any observation and medical opinion in respect of the locomotor disability in regard to “both hands intact with intact sensation, sufficient strength and range of motion”. Therefore, it is submitted that inference only from the conclusion remarks and reasons could not be drawn and that the experts must properly examine the appellants in respect of locomotor disability with regard to the aforesaid aspect of requirement of both hands intact with intact sensation, sufficient strength and range of motion.

We are unable to accept this submission. The certificate of disability issued in respect of the appellant is based on the examination of the appellant-Anmol by as many as three experts. The opinion making process need not be detailed nor is the requirement of law. In compliance of the directions issued by this Court, respondent-Union of India has produced before us the papers containing examination of appellant-Anmol which contained various observations, which culminated in the issuance of certificate. The experts made several observations in those examination papers and then concluded that the appellant is not eligible to pursue the medical course. The total percentage of disability has also been found to be 81%. The x-ray report has also been attached.

Reference has been made to various provisions contained in the Rights of Persons with Disability Rules, 2017 particularly Rule 2(a), 2(b), 2(c), Rules of 2017, Rules of 2018 and various formats referable to these Rules to submit that the certificate is not strictly in accordance with the prescription given in this form. In our opinion, once the opinion of the experts that the appellant-Anmol is not eligible on account of the remarks contained in certificate which itself is based on medical examination of body of experts, the decision of the respondents to hold Anmol ineligible cannot be faulted on such grounds.”

20. In addition to the law as explained, from perusal of the Act, it is clear that the rights and entitlements of the persons suffering from disability and persons with benchmark disability flow in their favour by

virtue of Chapter II. Special provisions for persons with benchmark disability have been prescribed in Chapter VI which also include reservation in terms of the mandate of Section 34. Chapter IX of the said Act prescribes for registration of institutions for persons with disabilities and grants to such institutions. Chapter X of the said Act prescribes for certification of specified disabilities. It prescribes for the guidelines for assessment, designation of the certifying authorities, procedure for certification and appeal against the decision of the certifying authority.

21. Rule 17 and Rule 18 prescribe for manner of applying for disability certificate and the issuance of a disability certificate which after amendment in the year 2024 read as under:

"17. Application for disability certificate and UDID Card.- (1) Any person with specified disability may apply in Form -IV for a disability certificate/ Unique Disability Identity (UDID) Card and submit the application through UDID Portal to:

- (a) a medical authority or any other notified competent medical authority to issue such a certificate in the district of residence of the applicant as mentioned in the proof of residence in the application; or
- (b) the concerned medical authority in a hospital where he may be undergoing or may have undergone treatment in connection with his disability:

Provided that where a person with disability is a minor or suffering from intellectual disability or any other Disability which renders him unfit or unable to make such an application himself, the application on his behalf may be made by his legal guardian or by any organisation registered under the Act having the minor under its care.

(2) The application shall be accompanied by -

- (a) proof of identity;
- (b) a recent photograph not older than six months;
- (c) proof of residence;
- (d) aadhaar number or aadhaar enrolment number.

Note: if an Aadhaar Card is submitted as proof of identity, no additional documents will be required for address proof in case Aadhaar has the same residential address"

In the said rules, for rule 18, the following rule shall be substituted, namely:-

"18. Issue of disability certificate/ UDID Card.- (1) On receipt of an application under rule 17, the medical authority or any other notified competent medical authority shall verify the information as provided by

the applicant and shall assess the disability in terms of the relevant guidelines issued by the Central Government and after satisfying himself that the applicant is a person with disability, issue a disability certificate in Form-V and Form-VI and one of the three types of colour-coded UDID card in form VII in his favour, as the case may be. One of the three types of colour-coded UDID Card shall be issued based on the severity of the disability-

a. White Band Card: When the disability percentage of a Person with Disability is below forty percent.

b. Yellow Band Card: When the disability percentage of a Person with Disability is forty percent or above but below eighty percent.

c. Blue Band Card: When the disability percentage of a Person with Disability is eighty percent or above.”

22. Rule 19 of the said Rules prescribes that a person to whom a certificate is issued under Rule 18 shall be entitled for all the facilities, concessions and benefits admissible for persons under the scheme of the Government and of Non-Government Organization. Thus, the certificate once issued is valid for claiming the benefits as flow in pursuance to the prescriptions contained in the Act and the various statutes.

23. The said once issued under the statute and the rules framed cannot be overridden by any assessment done by any authority which is not an authority specified under the Act and the Rules.

24. In the present case, the disability of the petitioner has been reassessed by the designated centre in terms of the guidelines prescribed by the National Medical Council. The said guidelines itself appear to be in variance with the interim guidelines for assessment method as were produced before the Supreme Court which led to the disposal of *Writ Petition (Civil) No.1093 of 2022 (supra)*.

25. Irrespective of the said fact, the only function which can be assigned to the authorities designated in terms of the guidelines issued by the National Medical Commission Act can be to assess the ‘functional disability’ for which the candidate would have to undergo test to form a view as to whether the person who has applied for NEET Examination is functionally able to undergo the studies and the rigours of the course. The same does not authorize the designated agency to reassess the disability

suffered by the candidate in terms of the certificate issued by the UDID Authority.

26. In the present case, even the certificate issued by the authority designated under the NMC Act certifies that the petitioner is not suffering from any functional disability to undergo MBBS Course, however, the same assesses the disability of 31% and thus, which is less than 40% which is prescribed for claiming the benefit which flow in favour of the person with benchmark disability defined under Section 2(r) of the Act.

27. Considering the fact that the petitioner qualified in the functional disability test and has been found suitable for undergoing medical studies, the disability certificate issued by the authority and reflected in the UDID would prevail for the benefit of grant of reservation. The functional disability test of the petitioner has been certified by the authority designated under the NMC Act, thus, this Court has no hesitation in holding that the petitioner would be entitled to register for NEET Examination which are opened from 08.08.2025 to 11.08.2025 and the petitioner would be extended the benefit of reservation to which he is entitled in accordance with law.

28. Learned counsel for the DGME/respondent no.4 is directed to ensure that the petitioner is able to upload his candidature for claiming the benefit in terms of the directions issued by this Court.

29. Present petition stands *allowed* in above terms.

August, 7th 2025
Nishant

[Pankaj Bhatia, J.]