

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1 WRIT PETITION NO.10661 OF 2022

AJINKYA ANKUSH BUDLE
VERSUS
THE GOVERNMENT OF INDIA THROUGH DIRECTOR GENERAL
OF HEALTH AND OTHERS

Advocate for Petitioner : Mr. S.S. Thombre
Advocate for Respondents 1 to 3: Mr. R.R. Bangar
AGP for Respondents 4 and 5: Mrs. Rashmi. P. Gour

**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 17th OCTOBER, 2022.**

PER COURT :-

1. Leave to add the State of Maharashtra, through it's Director of Medical Education and Research, Mumbai, as party respondent No.5
2. The petitioner student does not have five fingers to his right hand. His left hand is normal and there is no disability. He has been disqualified for admission to the UG Medical Course by the NEET Medical Board.
3. We have perused the Medical Council of India's guidelines for admission of persons with specified disabilities, to the Medical Course. The candidate having locomotor disability, subject to the guidelines, can be eligible for admission to the Medical courses in the light of Chapter II. Clause (vi) of Chapter II prescribes that, if there is

involvement of a single upper limb which is the DOMINANT UPPER LIMB (which is right upper limb in a majority of persons) to an extent that the candidate has loss of thumb, cannot hold an object satisfactorily, would not be eligible for the medical course.

4. The learned advocate for the petitioner insists that the candidate has a normal well developed left hand as his dominant upper limb. The palm of the right hand can also be used, which does not have any finger.

5. The petitioner claims that he has perfectly developed his left hand as a dominant upper limb. There is no rule that every right hand of each person would always be treated as dominant upper limb. Even the M.C.I. guidelines states that this would be a normal conclusion. The petitioner has appeared for all his examinations from the age he entered the school till his examination of the 12th standard. His disability is calculated at 60% by Grant Government Medical College and Sir J.J. Group of Hospitals, (MCI Medical Board comprising of three senior Professors from the Departments of Orthopedic, Medicine and Neurology). They have issued a certificate of disability for NEET admission dated 04.10.2022 declaring the present petitioner Ajinkya Ankush Budle not eligible to pursue the medical course as per the NMC norms.

6. The learned counsel for the petitioner vehemently contended

that his dominant upper limb is his left hand and in the light of clause (vi) below Chapter II, he would be exempted from the disqualification since his dominant upper limb is perfectly normal.

7. It is in these peculiar circumstances, that we have referred to a list of disability certification centers which can issue the disability certificates as per the NMC norms to the “Persons with Disability” (PwD) (to the candidates) to seek admission to the UG/PG courses in the medical faculty. At Sr. No.5, we find the Grant Government Medical College as an authorized center for all disabilities. However, at Sr. No.2, we find a dedicated center for **Locomotor Disability only**, which is ‘All India Institute of Physical Medicine and Rehabilitation’ (AIIPMR), Mumbai. As such, we find some hope in favour of the petitioner Ajinkya keeping in view that his left hand has become his dominant upper limb and clause (vi) of the guidelines would exclude him from disqualification. Therefore, we deem it appropriate to refer the case of the petitioner Ajinkya to AIIPMR for re-medical examination.

8. In view of above, we direct respondent No.5 to intimate the AIIPMR to conduct a medical examination of the petitioner Ajinkya Ankush Budle on 19.10.2022 at 12.00 noon. The petitioner as well as the learned A.G.P. would place a copy of this order alongwith the earlier certificate of disability for NEET admissions, issued by the Grant Government Medical College, before the competent Board of

AIIPMR.

9. We request respondent No.5 State as well as the AIIPMR to send its report by E-mail to the office of the Chief Government Pleader up to 5.00 p.m. on 20.10.2022.

10. Stand over to 21.10.2022 in the 'passing orders category' at Sr. No.1.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)

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