

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. 69/2022

CHINMOY PARTHASARATHI BHATTACHARYA PETITIONER(S)

VERSUS

UNION OF INDIA & ORS. RESPONDENT(S)

O R D E R

This writ petition has been filed for a declaration that the petitioner is eligible for seeking admission to the post graduate course of MD (Preventive & Social Medicine)/Community Medicine which was offered to him in the 1st round of counselling in All India Quota seats at Maulana Azad Medical College, New Delhi. A further relief has been sought in the writ petition for quashing the disability certificate dated 24.01.2022 issued by All India Institute of Medical Sciences, Nagpur in which it was stated that the petitioner has locomotor disability in view of amputation of his left arm. In the said certificate, it was mentioned that the petitioner is not eligible for pursuing medical education due to "Involvement of Left Upper Extremity".

While the petitioner was pursuing his M.B.B.S. course from a Medical College at Yavatmal, Maharashtra, he suffered a major road accident which caused a "crush injury left upper limb". His left hand was amputated above the elbow. Thereafter, he completed his M.B.B.S.

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Anita Malhotra
Date: 2022.03.09
17:30:47 IST
Reason:

course and applied for admission to post graduate medical course. He appeared in NEET-PG Entrance Examination 2021-2022 and secured a score of 290 which made him qualified under the General-Persons with Disability category. His NEET-PG rank was 88601. He participated in the Round-1 counselling that was conducted on 20.01.2022 and was offered admission at Maulana Azad Medical College, New Delhi in the All India quota seat reserved for PwD category in the MD (Preventive & Social Medicine)/Community Medicine.

In view of the certificate issued by the All India Institute of Medical Sciences, Nagpur on 24.01.2022, the petitioner was denied admission, aggrieved by which the petitioner has filed this writ petition.

It was contended on behalf of the petitioner that the petitioner has made a conscious choice of seeking admission to MD (Preventive & Social Medicine)/Community Medicine in view of his disability. It was further contended that the Notification dated 13.03.2019, has been misinterpreted to deny admission to the petitioner in the post graduate course.

On behalf of the National Medical Commission, it was argued that admittedly, the left arm of the petitioner was amputated due to an accident in the year 2017 and in view of both the hands of the petitioner not being intact, he is not entitled for admission to the

post graduate course. It was also argued that the petitioner cannot be admitted to the post graduate course, even in MD (Preventive & Social Medicine)/Community Medicine, as the disability might stand in the way of the petitioner for performing his duties as a Doctor.

It is not necessary for us to decide on the ambit of the notification dated 13.03.2019, in view of the order that is proposed to be passed. Admittedly, the petitioner met with an accident when he was in his final year M.B.B.S. course and yet he successfully completed the course. MD (Preventive & Social Medicine)/Community Medicine would not involve any interaction between the petitioner and patients.

In the peculiar facts of this case, we are of the view that the petitioner is entitled for admission to post graduate course in MD (Preventive & Social Medicine)/Community Medicine for the Academic Year 2021-2022. This order shall not be treated as a precedent. Ordered accordingly.

The writ petition stands disposed of. Pending application(s), if any, shall stand disposed of.

.....J
(L.NAGESWARA RAO)

.....J
(B.R. GAVAI)

NEW DELHI;
08th MARCH, 2022

ITEM NO.11

COURT NO.5

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 69/2022

CHINMOY PARTHASARATHI BHATTACHARYA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA No. 15222/2022 - EX-PARTE STAY)

Date : 08-03-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO

HON'BLE MR. JUSTICE B.R. GAVAI

For Petitioner(s) Mr. Sushil Kumar Singh, AOR

For Respondent(s) Mr. Maninder Singh, Sr. Adv. (NP)

Mr. Gaurav Sharma, AOR
Mr. Kirtiman Singh, Adv
Ms. Manmeet Kaur Sareen, Adv
Mr. Waize Ali Noor, Adv.
Mr. Dhawal Mohan, Adv
Mr. Prateek Bhatia, Adv
Ms. Srirupa Nag, Adv.

Mr. K.M. Nataraj, Ld. ASG
Mr. Pranay Ranjan, Adv.
Mr. Om Prakash Shukla, Adv
Mr. Vikas Bansal, Adv.
Mr. Vinayak Sharma, Adv.
Mr. G.K. Makker, AOR

UPON hearing the counsel the Court made the following
O R D E R

The writ petition stands disposed of in terms
of the signed order. Pending application(s), if
any, shall stand disposed of.

(Geeta Ahuja)
Court Master

(Anand Prakash)
Court Master

(Signed Order is placed on the file)

