

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

WEDNESDAY, THE SIXTEENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

WRIT PETITION NO: 27816 OF 2024

Between:

Sri Ram Meghana Raj, D/o. Sri Ram Raju, Aged 17 years, Occ. Student,
Being Minor Rep. By her natural guardian and father Sri Ram Raju, S/o. Sri
Ram Shivamallu, Aged. 45 years, Occ. Private Employee R/o. H.No.12-1-
485/59/62, Sham Nagar, Asif Nagar, Hyderabad -500028

...PETITIONER

AND

1. Union of India, Rep. by its Secretary, Ministry of Health and Family Welfare,
Nirman Bhavan, New Delhi - 110001
2. Union of India, Rep. by its Joint Secretary, Department of Higher Education,
Ministry of Human Resources Development, Shastri Bhavan, New Delhi -
110001
3. Union of India, Rep. by its Under Secretary, Ministry of Social Justice and
Empowerment Dept of Empowerment of Persons with Disabilities, Shastri
Bhavan, New Delhi - 110001
4. National Medical Commission, Rep by its Chairman, Pocket No. 14, Sector
No. 8, Dwaraka, Phase 1, New Delhi -110077
5. The State of Telangana, Rep. by its Principal Secretary, Higher Education
Department, Secretariat Buildings, Hyderabad
6. The Regional Medical Board constituted by Kaloji Narayana Rao University of
Health Sciences, At Nizams Institute of Medical Sciences (NIMS) Panjagutta
Hyderabad -500082
7. Kaloji Narayana Rao University of Health Sciences, Telangana, Warangal,
Rep. by its Registrar
8. National Testing Agency, First Floor, NSIC-MDBP Building, Okhla Industrial
Estate, New Delhi

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the Respondent No. 7 herein, in declaring the Petitioner as ineligible under PwD category for admission into MBBS/BDS Courses for the academic year 2024-2025 on the basis of the Report of the Medical Board constituted by Respondent No. 7 at NIIMS in spite of the Petitioner securing 176 Marks and 53.3432735 percentile and 1084655 Rank in NEET (UG) 2024 which is well above the cut-off of 40th percentile and cut-off score in the region of 143-127 prescribed for OBC-PwD category, as being highly illegal, arbitrary and in violation of principles of natural justice and in violation of Articles 14 and 19 of the Constitution of India and consequently.(A) refer the Petitioner for medical examination to a dedicated centre for Locomotor Disability Only which is All India Institute of Physical Medicine and Rehabilitation (AIIPMR), Mumbai listed at Sr. No. 2 in Appendix VII of the Information Bulletin issued by the National Testing Agency (B)refer the Petitioner for medical examination to a Board of Doctors constituted at All India Institute of Medical Sciences (AIMS) at Bibinagar, from the specialties of orthopedics, neuroscience and physical medicine and rehabilitation(C)refer the Petitioner for medical examination to a Board of Doctors constituted at any Hospital.

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents to permit the Petitioner to register and participate in the counseling for NEET (UG), 2024 for admission to MBBS/BDS Courses for the academic year 2024-2025 from a seat reserved for PwD category.

Counsel for the Petitioner: SRI KARAM CHENDU KOMIREDDY

**Counsel for the Respondent No.1,2 and 3: SRI GADI PRAVEEN KUMAR Dy.
SOLICITOR GEN. OF INDIA**

**Counsel for the Respondent No.5: MS. SUJATHA KURAPATI,
GP FOR HIGHER EDUCATION DEPARTMENT**

**Counsel for the Respondent Nos.6 and 7: SRI A. PRABHAKAR RAO,
SC FOR KALOJI NARAYANA RAO UNIVERSITY OF HEALTH SCIENCES**

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

WRIT PETITION No.27816 of 2024

ORDER: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. Karam Chendu Komireddy, learned counsel for the petitioner.

Mr. Gadi Praveen Kumar, learned Deputy Solicitor General of India for respondent Nos.1,2 and 3.

Ms. Sujatha Kurapati, learned Government Pleader for Higher Education Department for respondent No.5.

Mr. A.Prabhakar Rao, learned Standing Counsel for Kaloji Narayana Rao University of Health Sciences (hereinafter referred to as, 'the University') for respondent Nos.6 and 7.

2. With the consent of learned counsel for the parties, the writ petition is heard finally.

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3. In this writ petition, the petitioner *inter alia* seeks a direction to the respondents to treat her as a candidate belonging to Person with Disability (PWD) Category for admission into MBBS/BDS Courses for the academic year 2024-2025.

4. The petitioner had appeared in the NEET examination which was held on 05.05.2024. According to the petitioner, she is a candidate belonging to PWD Category. However, her name was not included in the list of eligible candidates under the PWD Category. Therefore, the petitioner has filed this writ petition.

5. We have heard learned counsel for the parties.

6. This Court by an order passed today i.e., 16.10.2024 in W.P.No.27262 of 2024 has dealt with the similar controversy.

7. For the reasons assigned by us in the order 16.10.2024 in W.P.No.27262 of 2024, this Writ Petition is disposed of with the following directions:

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The petitioner is directed to appear before the Medical Board along with a copy of this order at 11:00 a.m. on 17.10.2024. The Medical Board shall re-examine the petitioner and shall assess the disability of the petitioner afresh by assigning valid and cogent reasons in the light of the observations made in the said order. Depending upon the report submitted by the Medical Board with regard to the disability of the petitioner, in case the petitioner is held to be candidate belonging to PWD category under the Rules, the University shall take further consequential action to permit the petitioner to participate in the third round of counselling. It is made clear that this Court has not expressed any opinion on the merits of the matter.

Miscellaneous applications pending, if any, shall stand closed. However, there shall be no order as to costs.

//TRUE COPY//

SD/-A. PRATHIMA
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Secretary, Ministry of Health and Family Welfare, Ninnan Bhavan, Union of India, New Delhi - 110001
2. The Joint Secretary, Union of India, Department of Higher Education, Ministry of Human Resources Development, Shastri Bhavan, New Delhi -110001
3. The Under Secretary, Union of India, Ministry of Social Justice and Empowerment Dept of Empowerment of Persons with Disabilities, Shastri Bhavan, New Delhi - 110001
4. The Chairman, National Medical Commission, Pocket No. 14, Sector No. 8, Dwaraka, Phase 1, New Delhi -110077

5. The Principal Secretary, The State of Telangana, Higher Education Department, Secretariat Buildings, Hyderabad
6. The Regional Medical Board constituted by Kaloji Narayana Rao University of Health Sciences, At Nizams Institute of Medical Sciences (NIMS) Panjagutta Hyderabad -500082
7. The Registrar, Kaloji Narayana Rao University of Health Sciences, Telangana, Warangal,
8. National Testing Agency, First Floor, NSIC-MDBP Building, Okhla Industrial Estate, New Delhi
9. One CC to Sri Karam Chendu Komireddy, Advocate [OPUC]
10. One CC to Sri Gadi Praveen Kumar Dy. Solicitor Gen. of India [OPUC]
11. One CC to Sri A. Prabhakar Rao, SC for Kaloji Narayana Rao University of Health Sciences[OPUC]
12. Two CCs to The GP for Higher Education Department, High Court for the State of Telangana, at Hyderabad[OPUC]
13. Two CD Copies

T J
BS



HIGH COURT CC TODAY

DATED:16/10/2024

ORDER

WP.No.27816 of 2024



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

16
16/10/24
[Signature]