

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (C) NO.856 OF 2023

BAMBHANIYA SAGAR VASHARAMBHAI

PETITIONER

VERSUS

UNION OF INDIA & ORS.

RESPONDENTS

O R D E R

1. This is a Writ Petition invoking Article 32 of the Constitution of India seeking appropriate direction to admit the petitioner into the said medical course notwithstanding the disability suffered by him.

2. In pursuance to the order passed by this Court, a report was filed by the All India Institute of Medical Science dated 02.09.2023 stating that the petitioner's disability has been assessed at 80% and he is not suitable to pursue the medical course. Thereafter another order was passed by this Court on 22.09.2023 leading to the subsequent report dated 26.09.2023. The Medical Board comprising of expert doctors in various fields reiterated their earlier report dated 02.09.2023 by giving adequate reasons for its recommendation that the petitioner is not eligible to pursue the MBBS course.

3. Though the learned counsel appearing for the petitioner placed reliance upon the Amendment Notification, dated 13.05.2019, Graduate Medical Education Regulation, 2019, we are of the view that

the Appendix H-1 does not help the case of the petitioner as the upper limit of 80% disability would be applicable only to a candidate having both hands intact, with intact sensations and with sufficient strength. This range of motion is essential to be considered for medical course. Unfortunately, the aforesaid criterion is not fulfilled by the petitioner due to the lack of such sensation.

4. In such view of the matter, we are not inclined to allow this Writ Petition.

5. Writ Petition is accordingly dismissed.

5. However, the issue with regard to finding a suitable solution to facilitate the effective participation of persons with disabilities, by the Central Government, as suggested by order dated 22.09.2023 has not been addressed and therefore the same is required to be complied with.

.....J.
(M.M. SUNDRESH)

.....J.
(ARAVIND KUMAR)

NEW DELHI
OCTOBER 31, 2023

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 SWRIT PETITION(S) (CIVIL) NO(S). 856/2023

BAMBHANIYA SAGAR VASHARAMBHAI

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA No. 162048/2023 - APPROPRIATE ORDERS/DIRECTIONS)

Date : 31-10-2023 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE ARAVIND KUMARFor Petitioner(s) Mr. Ajit Kumar Sinha, Sr. Adv.
Mr. Govind Jee, AOR
Mr. Omanakuttan K K, Adv.
Mr. Kartikeya Khanna, Adv.
Mr. Shivendu Prakash, Adv.For Respondent(s) Mr. Gaurav Sharma, AOR
Mr. Dhawal Mohan, Adv.
Mr. Prateek Bhatia, Adv.
Mr. Paranjay Tripathi, Adv.

Mr. Tushar Gupta, Adv.
Ms. Parinay Gupta, Adv.UPON hearing the counsel the Court made the following
O R D E RThe Writ Petition is dismissed in terms of the signed order
which is placed on the file.

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

(KAVITA PAHUJA)
COURT MASTER (SH)(RENU BALA GAMBHIR)
COURT MASTER (NSH)