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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC010398242026

Date of decision: 24.09.2026

+ **W.P.(C) 12368/2026 & CM APPL. 57327/2026**
AASHIYA

.....Petitioner

Through: Ms. Sarah, Adv.

versus

**NATIONAL MEDICAL COMMISSION THROUGH ITS
SECRETARY & ORS.**

.....Respondent

Through: Ms. Parul Mehra, Adv, GP for R3
Mr. Amit Meharia, Mr. Abinash Agarwal, Mrs.
Priya Sachin Bhalerao and Mr. Shashwat Roy,
Advocates for R1
Ms. Avshreya Pratap Singh Rudy, Adv. (CGSC)
Ms. Usha Jamnal, Adv. Ms. Nyasa Sharma, Adv.
Mr. Siddhant Nagar, Adv Mr. Abhinav Mall, Adv
Ms. Nishtha Dhall, Adv for UOI/R2&5

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CNR No. DLHC010402832026
+ **W.P.(C) 12499/2026 & CM APPL. 57918/2026**
SHIVAM KUMAR

.....Petitioner

Through: Mr Arpit Bhargava with Mr Sarthak
Sharma, Ms Hina Bhargava and Ms Astha Sharma,
Advs.

versus

UNION OF INDIA & ORS.

.....Respondent

Through: Mr. Deepansh Sharma (G.P), Mr.



Bhavesh Adv. for UOI
Ms. Avshreya Pratap Singh Rudy, Adv. (CGSC)
Ms. Usha Jammal, Adv. Ms. Nyasa Sharma, Adv.
Mr. Siddhant Nagar, Adv Mr. Abhinav Mall, Adv
Ms. Nishtha Dhall, Adv for UOI/R1&3

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

: **JASMEET SINGH, J (ORAL)**

1. These are writ petitions filed under Article 226 of the Constitution of India seeking the following respective prayers:-

“W.P.(C) 12368/2026

A. Set aside the Eligibility Certificate dated 05.08.2026 issued by Respondent No. 4 to the Petitioner, and the decision/communication of Respondent No. 5 dated 14.08.2026 rejecting the Petitioner's appeal;

B. Declare the Petitioner eligible to pursue MBBS on the basis of her NEET (UG) 2026 score and her Disability Certificate/UDID Card dated 11.06.2022;

C. Hold and declare that the re-quantification of the Petitioner's disability conducted by Respondent Nos. 4 and 5 is ultra vires the Guidelines dated 27.07.2026 (as amended by the Addendum dated 05.08.2026) issued by Respondent No. 1;

D. Direct Respondent Nos. 1 and 2 to keep a seat reserved for the Petitioner under the PwBD category and permit her to participate in the ongoing/subsequent



rounds of NEET (UG) 2026 counselling, pending disposal of this petition;

E. Grant compensation to the tune of Rs. 1,00,000 (Rupees One Lakh only) to the Petitioner owing to the callous approach of the Respondents;

W.P.(C) 12499/2026

a. Issue an appropriate writ, order or direction, including a writ of Certiorari, to quash and set aside the assessment/certificate dated 07.08.2026 issued by the Medical Assessment Board of Respondent No.2; and/or

b. Issue an appropriate writ, order or direction, including a writ of Certiorari, to quash and set aside the medical opinion/assessment and Eligibility Certificate dated 14.08.2026 issued by the Appellate Medical PwBD Assessment Board of Respondent No.3; and/or

c. Issue an appropriate writ, order or direction directing the Respondent No.1 to restore the Petitioner's candidature under the Persons with Benchmark Disabilities (PwBD) category in the NEET UG 2026 counselling process, on the basis of his valid Government-issued Disability Certificate and UDID Card recording 60% permanent disability; and/or

d. Issue an appropriate writ, order or direction directing the Respondent No.2 and/or Respondent No.3 to provide eligibility certificate to the Petitioner recording 60% permanent disability on the basis of his valid



Government-issued Disability Certificate and UDID Card;... ”

2. The facts in W.P.(C) 12368/2026 are almost identical to those in W.P.(C) 12499/2026. For convenience, the facts of W.P.(C) 12499/2026 are set out below and the points of difference in the other petition are noted separately.
3. The petitioner in W.P.(C) 12499/2026 is an 18-year-old candidate with a permanent visual disability. By a Disability Certificate dated 28.12.2024, the Department of Empowerment of Persons with Disabilities, Ministry of Social Justice and Empowerment, Government of India, certified his permanent disability at 60%. A UDID card of the same date was issued to him recording the disability and its extent.
4. The petitioner's NEET (UG) 2026 admit card dated 14.06.2026 recorded his disability as blindness and granted him compensatory time. He appeared in the examination on 21.06.2026. The result was declared on 16.07.2026, and he secured 398 out of 720 marks with a PwBD rank of 409.
5. The Guidelines on Assessment of Persons with Benchmark Disabilities for Admission to the MBBS Course, 2026, dated 27.07.2026 ("the Guidelines"), prescribe a separate assessment for PwBD candidates. By a Notice dated 30.07.2026, the Medical Counselling Committee (respondent No. 1) required such candidates to appear before a designated Medical Assessment Board for an Eligibility Certificate.
6. The petitioner appeared with his UDID card before the Medical Assessment Board at Lady Hardinge Medical College (respondent No.



- 2). By an assessment/certificate dated 07.08.2026, the Board assessed his disability at 30%, while noting that his UDID card recorded 60%. The Board nevertheless certified that he is eligible to pursue the MBBS course, is capable of undertaking it, and would not pose a threat to patients.
7. The petitioner then filed a complaint before the Court of the Chief Commissioner for Persons with Disabilities (Case No. CCPD-AD-0152/2026). By an order dated 12.08.2026, the Chief Commissioner directed that he be permitted to participate in the ongoing counselling on the strength of his valid UDID card, subject to the final outcome of the disability assessment proceedings. The Chief Commissioner also observed that he could avail the appellate remedy provided under the Guidelines, and that if doubt persisted, the matter could be referred to an independent and neutral Medical Board.
8. The Appellate Medical PwBD Assessment Board at Vardhman Mahavir Medical College & Safdarjung Hospital (respondent no. 3) concurred with the earlier assessment. By an Eligibility Certificate dated 14.08.2026, it recorded his disability at 30% and again found him capable of undertaking the course. On the same day, his candidature was shifted from the PwBD category to the General category. The petitioner states that he was thereby deprived of Round 1 of counselling under the PwBD category, the result of which was declared on 21.08.2026, and that Round 2 was to begin on 24.08.2026.
9. In W.P.(C) 12368/2026, the petitioner has a permanent locomotor disability of 61%, recorded in a Disability Certificate and UDID card dated 11.06.2022 issued by the Issuing Medical Authority, North East,



Delhi. She appeared in NEET (UG) 2026 under the General-PwBD category and secured 363 out of 720 marks (81.18 percentile), with a PwBD rank of 638. The Primary Disability Assessment Medical Board re-quantified her disability at 16% on 05.08.2026 and declared her ineligible for PwBD reservation.

10. The Appellate Disability Assessment Board constituted for Delhi pursuant to the directions of the Supreme Court in M.A. No. 378/2025 in Civil Appeal No. 14333/2024 (*Anmol v. Union of India & Ors.*), confirmed the figure of 16% by an Eligibility Certificate dated 14.08.2026. She too could not participate in Round 1 of counselling. She seeks to set aside the Eligibility Certificate, a declaration that she is eligible to pursue MBBS on the basis of her UDID card, and permission to participate in the ongoing and subsequent rounds of counselling.
11. Learned counsels for the petitioners submit that the UDID card is the primary document, and that the Medical Assessment Board is required only to make a functional assessment and has no power to reassess the percentage of disability.
12. Learned counsels for the respondents draw my attention to the guidelines on assessment of persons with benchmark disabilities for admission to MBBS Course, 2026 dated 27.07.2026 and more particularly Clauses 9.2 and 9.3 which read as under:-

“9.2 Every such candidate shall possess a valid Permanent Unique Disability Identity (UDID) Card issued through the UDID Portal by the Department of Empowerment of Persons with Disabilities (Divyangjan), Ministry of Social Justice and Empowerment,



Government of India. The UDID Card shall serve as the primary documentary evidence of the existence, nature and extent of the specified disability for the purposes of these Guidelines.

9.3 While the particulars recorded in the Permanent UDID Card, including the category, percentage and validity of the specified disability, shall ordinarily form the basis of consideration by the Medical Assessment Board, the Board shall independently determine the candidate's functional competency in accordance with these Guidelines. The determination of eligibility shall not be based solely upon the category or percentage of disability recorded in the UDID Card."

13. The respondents contend that, under the Guidelines, they are entitled to determine the functional competency of the petitioners, and that the reduction in the percentage of disability was made in the course of that exercise.

14. I have heard learned counsels for the parties.

15. The Clause 3.9 of the above said guideline read as under:-

"3.9 "Functional Competency" means the demonstrated ability of a candidate, with or without reasonable accommodation or assistive technology, to acquire and perform the essential competencies required under the Competency Based Medical Education curriculum."

16. Additionally, Clause 2.4 and 6.1 read as under:-

"2.4 These Guidelines introduce a competency-based and



function-oriented assessment framework, whereby the determination of eligibility shall not rest solely upon the numerical percentage or category of disability reflected in the UDID Card or other disability certification. While the benchmark disability prescribed under the Rights of Persons with Disabilities Act, 2016 shall continue to determine eligibility for reservation under the PwBD category, admission to the MBBS Course shall be based upon an objective evaluation of the candidate's functional competencies, with due regard to reasonable accommodation, assistive technology, environmental accessibility and contemporary advances in rehabilitation science.

. . . .

6. Statutory Framework

6.1. These Guidelines shall be read in conjunction with-

- (a) the National Medical Commission Act, 2019;*
- (b) the Rights of Persons with Disabilities Act, 2016;*
- (c) the Graduate Medical Education Regulations, 2023, as amended from time to time;*
- (d) the Notification dated 12th March, 2024 issued by the Department of Empowerment of Persons with Disabilities (Divyangjan), Ministry of Social Justice and Empowerment;*
- (e) all applicable Regulations, Guidelines, Notifications and Circulars issued by the National Medical Commission from time to time; and*



(f) all binding judgments, directions and orders of the Hon'ble Supreme Court of India and other competent Courts governing admission of Persons with Benchmark Disabilities to the MBBS Course.”

17. A combined reading of these provisions shows that eligibility for reservation under the PwBD category is determined by the benchmark disability prescribed under the Rights of Persons with Disabilities Act, 2016 (*“the RPwD Act”*). The UDID card issued under the Act is therefore the primary document for that purpose.
18. Clauses 9.2 and 9.3 of the Guidelines permit the Medical Assessment Board to assess a candidate’s functional competency, that is, whether the candidate can complete the MBBS curriculum and thereafter undertake the profession of medicine. They do not empower the Board to revisit the percentage of disability recorded in the UDID card.
19. In W.P.(C) 12499/2026, both the Medical Assessment Board and the Appellate Board certified the petitioner as eligible to pursue the MBBS course, capable of undertaking it, and not a threat to patients. The operative portion of the functional competency assessment reads as under:



ELIGIBILITY CERTIFICATE
Issued by the Medical Assessment Board

ANNEXURE 2g

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Certificate No : 2026-
Aug/UDID/000949

Certificate Date : 07-Aug-2026

Name of the Designated Disability Certification Centre		Lady Hardinge Medical College & Associated Hospitals, New Delhi	
This to certify that Dr. / Mr. / Ms.		SHIVAM KUMAR	
Age	18	Son/ Daughter of Mr.	PANKAJ KUMAR
NEET Roll No.	2001205716	Rank No.	278021
DOB	02-02-2008	Mother Name.	POONAM SINGH

UDID Card Details

Disability Details			
UDID Card No	Issue date of UDID Card	Disability Type (Acc. To UDID Card)	Disability % as per UDID Card
DLS280220080020536	28-12-2024	Blindness	60.00

Nature of Disability			
Category of Disability	Medical Diagnosis	Nature and Extent of Disability	Percentage of Benchmark Disability (where applicable)
Visual Impairment	Right Eye Severe Ptosis with disc Hypoplasia with Both eye nystagmus	Permanent	30.00

Note: The determination of eligibility has not been made solely on the basis of the diagnosis, category of disability, or percentage of benchmark disability.

Functional Competency Assessment

The Medical Assessment Board has assessed the candidate with reference to the essential competencies prescribed under the Competency Based Medical Education (CBME) Curriculum.

The Board records the following findings:

Remark : The candidate will be able to perform essential competencies but he is not eligible for PWD category

Assessment of Reasonable Accommodation

The Medical Assessment Board has considered the requirement and feasibility of providing reasonable accommodation, assistive technology, or other support measures.

If no accommodation is recommended, reasons :- Disability below the level of Benchmark disability needed that is 40% and one eye has disc Hypoplasia

Assessment of Ability to Complete the MBBS Course

The Medical Assessment Board is satisfied that the candidate:

Point : Is capable of successfully completing the MBBS Course and acquiring the essential competencies prescribed under the CBME Curriculum.

Reasons :NA

Patient Safety Assessment

The Medical Assessment Board has evaluated whether the disability poses any demonstrable risk to patient safety.

Findings : The candidate does not pose any demonstrable risk to patient safety but candidate is not eligible for PWD category

Where any risk has been identified, whether such risk can be mitigated through reasonable accommodation:

Remarks : NA

**Final Determination**

After considering—

- (a) The candidates demonstrated functional competency;
- (b) The feasibility of reasonable accommodation and assistive technology;
- (c) The ability to successfully complete the MBBS Course and acquire the prescribed competencies; and
- (d) Considerations relating to patient safety.

The Medical Assessment Board hereby certifies that the candidate is:

Conclusion : Ineligible for Pwd Reservation

Reasons (to be recorded in accordance with Clause 12.4): Disability below the level of Benchmark disability needed that is 40% and candidate is not eligible for PWD category but eligible to pursue MBBS course

Declaration of the Medical Assessment Board

The Medical Assessment Board certifies that this determination has been made after conducting an individualized assessment based on objective medical and functional evidence, taking into account the essential competencies prescribed under the Competency Based Medical Education (CBME) Curriculum, the feasibility of reasonable accommodation and assistive technology, and considerations relating to patient safety. The determination has not been based solely on the diagnosis, category of disability, or percentage of benchmark disability.

Name of Member	Designation	Signature
Dr. Neha Chawla Guliani	Member डॉ. नेहा चवला गुलियानी / Dr. Neha Chawla Guliani सह-अध्यापक / Associate Professor नेत्र रोग विभाग / Deptt. of Ophthalmology	
Dr. Sonali Gupta	Member डॉ. सोनली गुप्ता / Dr. Sonali Gupta सह-अध्यापक / Associate Professor नेत्र रोग विभाग / Deptt. of Ophthalmology	
Dr. Sarita Beri	Member डॉ. सरिता बेरी / Dr. Sarita Beri निदेशक अध्यापक / Director नेत्र रोग विभाग / Deptt. of Ophthalmology से.रा.ने.अ.ए. एवं सह-अध्यक्ष, नई दिल्ली-110 001 S.K. Hospital, New Delhi-110 001	
Mr. Karan Babbar	Member & Associated Hospitals, New Delhi-1	
Dr. Sujata Gautam	Chairman गुजरात सरिता	

Disclaimer : This certificate has been generated as per details mentioned on UDID card, Affidavit submitted by the candidate and as per Functional Assessment done by the Board. In case the UDID Card submitted by the candidate is found to be 'FAKE', the seat of the candidate will be 'CANCELLED'; and legal action will be taken against the candidate. The disability certificate is valid for this academic session only.



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20. The same was affirmed by the appellate authority. A perusal of these opinions shows that the petitioners were considered functionally competent to pursue the course and the profession. However, the Medical Boards held them ineligible for PwBD reservation on the ground that their disability, as re-assessed by the Boards, fell below the 40% threshold required for reservation. In my view, the role of the Medical Board is confined to assessing the functional competency of the candidate. It cannot interfere with the disability recorded in the UDID card.
21. The same is in line with the RPwD Act and more particularly Sections 56, 57 and 59 which read as under:-

“56. The Central Government shall notify guidelines for the purpose of assessing the extent of specified disability in a person.

57. (1) The appropriate Government shall designate persons, having requisite qualifications and experience, as certifying authorities, who shall be competent to issue the certificate of disability.

(2) The appropriate Government shall also notify the jurisdiction within which and the terms and conditions subject to which, the certifying authority shall perform its certification functions.

...

59. (1) Any person aggrieved with decision of the certifying authority, may appeal against such decision, within such time and in such manner as may be prescribed



by the State Government, to such appellate authority as the State Government may designate for the purpose.

(2) On receipt of an appeal, the appellate authority shall decide the appeal in such manner as may be prescribed by the State Government.”

22. These provisions show that the UDID card has primacy. If any of the respondents is aggrieved by the UDID card, the remedy is to appeal against the decision of the certifying authority. It is not open to a Medical Assessment Board to disregard or reduce the recorded percentage at the stage of admission.
23. The same is also contained in the rule, 17, 18 and 19 of the Rights of Persons with Disabilities Rules, 2017 which read as under:-

“17. Application for certificate of disability.- (1) *Any person with specified disability may apply in Form IV for a certificate of disability and submit the application to-*

(a) a medical authority or any other notified competent 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 government 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 residence;

(b) two recent passport size photographs; and

(c) aadhaar number or aadhaar enrollment number, if any.

Note. No other proof of residence shall be demanded from the applicant who has aadhaar or aadhaar enrollment number.

18. Issue of certificate of disability. *(1) On receipt of an application under Rule 17, the medical authority or any other notified competent 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 certificate of disability in his favour in Form V, VI and VII, as the case may be.*

(2) The medical authority shall issue the certificate of disability within a month from the date of receipt of the application.

(3) The medical authority shall, after due examination-



(i) issue a permanent certificate of disability in cases where there are no chances of variation of disability over time in the degree of disability: or

(ii) issue a certificate of disability indicating the period of validity, in cases where there is any chance of variation over time in the degree of disability.

(4) If an applicant is found ineligible for issue of certificate of disability, the medical authority shall convey the reasons to him in writing under Form VIII within a period of one month from the date of receipt of the application.

(5) The State Government and Union territory Administration shall ensure that the certificate of disability is granted on online platform from such date as may be notified by the Central Government.

19. Certificate issued under Rule 18 to be generally valid for all purposes. -A person to whom the certificate issued under Rule 18 shall be entitled to apply for facilities, concessions and benefits admissible for persons with disabilities under schemes of the Government and of non-Governmental organizations funded by the Government.”

24. The observations of the Hon’ble Supreme Court in *Om Rathod v. Director General of Health Services*, (2024) 19 SCC 70, at paragraphs 68 and 69, are also relevant and are reproduced as under:-

“68. 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.

69. The disability of a person is quantified at the time of availing a Unique Disability ID Card. 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.”

25. A perusal of the aforesaid Rules, Sections and the Judgment clearly show that the role of the Medical Assessment Board is only to consider the functional competency of a candidate and not to interfere with the percentage given in the UDID card. If the same is permitted, then the UDID card issued, by the authorities will become mere paper formalities and would be meaningless. The same is not the mandate of the RPwD Act.
26. For these reasons, the assessment/certificate dated 07.08.2026 of the Medical Assessment Board and the Eligibility Certificate dated 14.08.2026 of the Appellate Board in W.P.(C) 12499/2026, and the order dated 05.08.2026 of the Primary Disability Assessment Medical Board and the Eligibility Certificate dated 14.08.2026 of the Appellate Disability Assessment Board in W.P.(C) 12368/2026, are set aside.
27. Since Rounds 1 and 2 of counselling are over, the respondents shall permit the petitioners to participate in the third round and the mop-up round, if any, in accordance with their rank and entitlement under the PwBD category, treating their disability as recorded in their respective UDID cards.
28. The petitioners have also requested that supernumerary seats be created for them. I am not inclined to grant this relief. The Court is conscious that the petitioners could not participate in the first two rounds under the PwBD category. However, seats have already been allotted in those



rounds, and the petitioners are being permitted to participate in the third round and the mop-up round, if available. In *Om Rathod* (supra), counselling had already come to an end, and there was no remaining round in which the petitioners could be accommodated. That is not the position here.

29. The writ petitions are allowed and disposed of in the above terms. Pending applications, if any, stand disposed of.

JASMEET SINGH, J

SEPTEMBER 24, 2026 / (MS)

(corrected and released on 25.09.2026.)