सत्यमेव जयते
न्यायालय मुख्य आयुक्त दिव्यांगजन
COURT OF THE CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)
दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)
सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice & Empowerment
भारत सरकार/Government of India
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Case No. CCPD/13653/1031/2023

In the matter of

Mr Ashwin Gopal **… Complainant**

Versus

Veterinary Council of India & Ors. **… Respondent**

1. Gist of Complaint

1.1 The complaint dated 12.01.2023 was filed by Smt. Krishnaveni P on behalf of her son, a person with 40% intellectual disability, alleging that the Veterinary Council of India (VCI) failed to allocate a B.V.Sc. & A.H. seat under the PwBD reservation quota in Kerala's All India Quota.

1.2 It was alleged that:

(a) The *Rights of Persons with Disabilities Act, 2016* mandates 5% reservation in government-funded higher education, along with age relaxation;

(b) NEET 2022–23 data showed only 328 UR-PwD candidates scored above the 105-mark eligibility, fewer than the seats available; and

(c) Despite repeated attempts, VCI did not assist in the registration and allotment process.

1.3 The relief sought was revision of the minimum qualifying marks for PwD candidates and allocation of a seat on merit for the academic year.

2. Reply of the Respondents

2.1 VCI stated that admissions are regulated by the *Minimum Standards of Veterinary Education (B.V.Sc. & A.H.) Regulations, 2016*, made under the Indian Veterinary Council Act, 1984, with Central Government approval.

2.2 Under Regulation 7.8, 15% of seats in each college are filled through NEET-UG on an All India basis, with reservations as per Government policy. 5% of these seats are reserved for PwBD candidates.

2.3 For 2022–23, the seat distribution under the 15% All India Quota was as follows: UR (287 + 15 PwBD), EWS (72 + 3 PwBD), OBC (192 + 10 PwBD), SC (108 + 5 PwBD), ST (54 + 2 PwBD).

2.4 The complainant's son did not secure the NEET minimum cut-off of 105 marks and was therefore ineligible for seat allotment.

3. Rejoinder of the Complainant

3.1 The complainant contended that the NEET eligibility cut-off for PwD candidates was unreasonably high and contrary to the objectives of reservation under the RPwD Act.

3.2 It was alleged that the present cut-off effectively nullifies the 5% reservation and should be reduced to enable filling of PwD seats.

4. Hearing (I) – 02.05.2023

4.1 Appearances:

(a) Adv. Anil Raveendranathan – for the Complainant;

(b) Adv. Bhagwan Swarup Shukla – for VCI;

(c) Shri Manish Kumar, Under Secretary, AH&D – for Respondent No. 2.

4.2 The Respondents could not provide the number of seats filled against PwD quota. The Court directed them to furnish, within 15 days:

(i) Total seats in all veterinary colleges;

(ii) Seats under the 15% All India Quota;

(iii) Seats filled in 2020–21, 2021–22, 2022–23; and

(iv) PwBD admissions in those years.

5. Action Taken (Hearing I)

5.1 VCI's reply dated 20.07.2023 stated that it only regulates admissions under the 15% All India Quota; the remaining 85% seats are filled under State policies.

5.2 Data submitted:

(a) 2020–21: 31 PwBD seats under All India Quota; 6 admissions.

(b) 2021–22: 35 PwBD seats; 8 admissions.

(c) 2022–23: 35 PwBD seats; 6 admissions.

6. Hearing (II) – 29.02.2024

6.1 Complainant's counsel argued that VCI's seat allocation violated the horizontal nature of PwD reservation and that the implementation method virtually ensured non-filling of seats.

6.2 VCI argued that reducing the cut-off from 105 to 50 (complainant's score) would create disproportionate eligibility beyond available seats.

7. Observations

7.1 The Court noted improper application of horizontal reservation principles, as PwD reservation must cut across all vertical categories. Sub-classification within vertical categories for PwDs is impermissible and defeats the statutory mandate.

7.2 The exclusion of candidates with certain disabilities (upper limb, visual, hearing) and imposition of a 50% disability cap for lower limb and spine disabilities is arbitrary.

7.3 The Hon'ble Supreme Court in *Purswani Ashutosh v. Union of*

India (W.P. (C) No. 669/2018, para 14, order dated 24.08.2018) held:

> *"...this Court holds that the petitioner cannot be denied admission to the MBBS course if he qualifies as per his merit in the category of Persons with Disability... In the event, the petitioner is found to be entitled to admission, he shall be given admission in the current academic year."*

7.4 The Hon'ble Delhi High Court in *Anamol Bhandari v. Delhi Technological University* (W.P. (C) No. 4853/2012, paras 21–23, judgment dated 12.09.2012) held:

> *"...reservation for disabled is called horizontal reservation... there is no reason not to give the same benefit/concession to those disabled who are in General Category or OBC Category as to those in SC/ST categories... the provision giving only 5% concession in marks to PWD candidates as opposed to 10% to SC/ST candidates is discriminatory."*

7.5 In light of the above, the existing cut-off of 105 for General PwD candidates, higher than that for SC/ST candidates (93), is inconsistent with equality principles.

8. Recommendations

8.1 It is recommended that:

(a) VCI revise the PwD cut-off to at least be at par with, if not lower than, the SC/ST cut-off (currently 93 marks) to ensure PwD seats are filled;

(b) A single uniform cut-off be applied for all PwD candidates regardless of vertical category; and

(c) The revised criteria to be implemented from the next admission cycle.

8.2 While the complainant's score of 50 remains below even the recommended relaxed cut-off, the above directions will facilitate admission of many other eligible PwD candidates.

8.3 Action Taken Report to be furnished within 90 days.

8.4 This case is disposed of accordingly.

Digitally signed by
Rajesh Aggarwal
Date: 12-08-2025
07:19:22

(Rajesh Aggarwal)
Chief Commissioner for Persons with Disabilities