



न्यायालय मुख्य आयुक्त

COURT OF 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 and Empowerment

भारत सरकार/ Government of India

Case No. CCPD/16202/1031/25

Dated: 03/11/2025

In the matter of —

Mr. Nasib Rehan

Versus

The Chairman,

National Medical Commission

...Respondent (1)

The Principal,

Govt. Medical College, Bettiah

...Respondent (2)

1. Hearing: An online hearing through Video Conferencing was conducted on 31.10.2025. The following parties/representatives were present during the hearing:

Sl. No.	Name & Designation	On Behalf of	Mode
1	Shri Nasib Rehan	Complainant	Online
2	Adv. Rahul E.	Complainant	Online
3	Adv. Shrutika Pandey	Complainant	Online

5वीं मंजिल, एनआईएसडी भवन, प्लॉट न०. जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष: 011-20892364, 20892275
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Sl. No.	Name & Designation	On Behalf of	Mode
4	Smt. Leena George, Under Secretary, National Medical Commission (NMC)	Respondent No. 1	Online
5	Dr. Dinesh Kumar, Acting Principal, Government Medical College, Bettiah	Respondent No. 2	Online

2. RECORD OF PROCEEDINGS

2.1 The Complainant, Shri Nasib Rehan, a person with 52% locomotor disability (muscular dystrophy) and holder of a valid UDID certificate, alleged that the Disability Assessment Board (DAB) at Government Medical College, Bettiah, refused to verify his benchmark disability for admission to the MBBS course for the Academic Year 2025-26.

2.2 It was stated that despite production of the UDID card, NEET result, and affidavit as required under the NMC Guidelines dated 19 July 2025, the Medical Board demanded an additional genetic test report, resulting in the complainant's loss of counselling opportunity under the PwD quota.

3. Submissions of the Complainant (through Adv. Rahul E.)

3.1 The Complainant reiterated that the UDID certificate is authoritative proof of disability under the NMC Guidelines.

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3.2 The DAB, Bettiah, exceeded its mandate by insisting upon a gene test and reassessment of disability, which is not authorised under the applicable guidelines.

3.3 It was further submitted that the college's action amounted to discrimination and non-compliance with the NMC's directions; and that the complainant had to bear unnecessary expenditure and was put to avoidable physical and mental harassment.

3.4 The counsel requested that:

- (a) The complainant's disability verification must be completed prior to the third counselling round;
- (b) The NMC to conduct sensitisation or training for all designated Disability Assessment Boards; and
- (c) The College is directed to reimburse costs incurred on the unwarranted test.

4. Submissions of Respondent No. 2 (Government Medical College, Bettiah)

4.1 Dr. Dinesh Kumar, Acting Principal, stated that according to the UG Prospectus 2025, only certificates issued by designated medical colleges are valid.

4.2 He submitted that there was an apparent diagnostic discrepancy—while the complainant's certificate referred to "muscular dystrophy," another family document mentioned "myotonica dystrophica," which led the Board to seek a gene test.

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4.3 He contended that the complainant could have been admitted provisionally, pending confirmation.

5. Submissions of Respondent No. 1 (National Medical Commission)

5.1 Smt. Leena George clarified that the NMC Interim Guidelines dated 19.07.2025, issued pursuant to directions of the Hon'ble Supreme Court in Om Rathore Case, govern admissions for 2025-26.

5.2 She categorically stated that:

- (a) The UDID card and functional ability assessment alone are sufficient;
- (b) No genetic or family medical testing is prescribed;
- (c) Admissions for 2025-26 are final, not provisional;
- (d) Orientation programmes had been held twice to apprise medical colleges, including GMC Bettiah, of these norms.

6. Observations of the Court

6.1 The Court noted that the Respondent No. 2 (GMC Bettiah) displayed a complete lack of understanding about the new NMC Guidelines and acted without authority in requiring a gene test, thereby denying the complainant's legitimate claim for verification and counselling. Respondent No.

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1's submissions that all medical colleges and the DABs have been imparted training on the new guidelines appeared ineffective in the light of the facts that emerged during the proceedings. The Acting Principal clearly contended that the training was attended to by officials who were not part of the DAB, Bettiah. There is, therefore, a clear case of effective monitoring, review, and, where necessary, a repeat of the orientation training.

6.2 The Court further observed that:

- (a) The medical board's function is limited to evaluating functional competency in accordance with the NMC guidelines, and not to reassess disability or seek diagnostic reconfirmation.
- (b) Reference to the brother's medical history was irrelevant and violation of the complainant's rights.
- (c) The Acting Principal misinterpreted the July 2025 circular and failed to apply it correctly despite earlier training and orientation provided by the NMC.

6.3 The Court further remarked that ignorance of the guidelines cannot be excused, as such conduct resulted in harassment and denial of opportunity to a deserving candidate, and is potent with such harassment in the future, if they remain unchecked and unsanctioned. The Respondent No. 1 has a bounden duty in this regard.

7. Directions-

After hearing all parties, the following directions were issued:

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(a) Government Medical College, Bettiah (Respondent No. 2) shall:

- (i) Strictly adhere to the functional assessment procedure under the new NMC norms;
- (ii) Extend full cooperation for the complainant's participation in the forthcoming counselling round.
- (iii) Furnish a reasoned report to the Respondent No. 1 under intimation to this Court explaining the refusal to verify the complainant's disability and an Action Taken Report qua these proceedings;

(b) National Medical Commission (Respondent No. 1) shall:

- (i) Immediately guide and direct the Government Medical College, Bettiah, to comply with its Interim Guidelines dated 19 July 2025;
- (ii) Ensure that the complainant's disability verification and admission are processed smoothly and without further delay or discrimination;
- (iii) Submit an Action Taken Report to this Court **by 10 November 2025**.

(c) Copies of all documents on record of the case shall be forwarded to the parties along with the Record of the Proceedings.

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(d) The case is not disposed of at this stage; it shall be reviewed upon receipt of action taken reports.

8. This is issued with the approval of the Commissioner for Persons with Disabilities.

Yours faithfully,

(Praveen Prakash Ambashta)
Dy. Chief Commissioner

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