



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-AD-0152/2026**In the Matter of****Complainant**

Shri Shivam Kumar

Versus**Respondent(s)**

1. The Member Secretary-cum-ADG(ME), Medical Counselling Committee and Director General of Health Services
2. The Director, Lady Hardinge Medical College
3. The Medical Superintendent, Attar Sain Jain Eye & General Hospital
4. The Secretary, National Medical Commission

1. Background of the Case

1.1 The Complainant, Shivam Kumar, a person with 60% visual impairment as certified under his UDID Card, submitted a grievance dated 10.08.2026 stating that he appeared in NEET and secured a good rank. During the admission process, he was asked to undergo disability verification at a designated hospital. He was assessed at Lady Hardinge Medical College, where his disability percentage was reduced from 60% to 30%. He alleged that the assessment was improper and that his UDID Card and previous medical reports showing 60% disability were not duly considered. As a result, he was denied the benefit of the PwD reservation quota in NEET counselling. He requested that the matter be examined, the disputed assessment be reviewed, and a fresh and impartial assessment by a competent medical board be conducted after considering his previous medical records and UDID records. He also sought a copy of the assessment report and relevant records on the basis of which his disability percentage was reduced, along with appropriate relief so that he is not deprived of his legitimate PwD reservation

benefit due to an incorrect or procedurally improper assessment.

2. Notice of Admissibility

2.1 A Notice dated 10.08.2026 under sections 75 & 77 of the Rights of Persons with Disabilities Act, 2016 (RPwD Act, 2016) was issued to the above-mentioned respondent for a hearing on 12.08.2026 in Hybrid mode to determine the admissibility of the case and find out if this can be resolved without a quasi-judicial intervention of this Court.

3. Respondent's Reply to the Notice

3.1 The Respondent No. 2, Lady Hardinge Medical College & Associated Hospitals, has contended in the reply vide email dated 11.08.2026 that the disability assessment of the complainant was conducted by a duly constituted Medical Assessment Board in accordance with the applicable guidelines for NEET-UG 2026 through an individualized evaluation based on objective clinical and functional findings, including best-corrected visual acuity and visual field assessment, and not merely on the basis of the complainant's earlier UDID card reflecting 60% visual disability. The Respondent submits that the Board assessed the complainant's visual disability at 30%, found him capable of successfully pursuing the MBBS course and acquiring the prescribed competencies without posing any demonstrable risk to patient safety, but held him ineligible for reservation under the PwD category as his assessed disability was below the benchmark threshold of 40%. It further contends that reasonable accommodation was duly considered during the assessment, that the difference from the earlier disability certificate does not by itself establish any irregularity or arbitrariness, and that if the complainant is dissatisfied with the assessment, he may avail the prescribed appellate or reassessment mechanism before the designated Appellate Medical Board.

3.2 The Respondent No. 3, Attar Sain Jain Eye & General Hospital, submitted a reply vide email dated 11.08.2026 that the Complainant was examined on multiple occasions in December 2024 for assessment of visual impairment, during which detailed clinical examinations and review of his previous medical records were undertaken. Based on the findings and in accordance with the prescribed criteria under the Gazette of India Guidelines, the Respondent issued a UDID Certificate dated 28.12.2024 certifying the Complainant as having 60% visual impairment (Disability Category III(c)). The Respondent further submitted that the subsequent reduction of the Complainant's disability from 60% to 30% during the NEET disability verification conducted by the five-member Medical Assessment Board at Lady Hardinge Medical College on 07.08.2026 was carried out by an independent

Medical Board, and therefore the Respondent had no role in, or comments to offer regarding, the assessment or the reasons for such reduction. The Respondent also stated that it had no objection to the maintainability of the present complaint.

4. Hearing

4.1. A preliminary hearing was conducted on 12.08.2026 in hybrid mode, wherein the following parties/representatives were present:

Sl. No.	Name of the Parties / Representatives	On Behalf of
1.	Advocate Navin Tiwary	Complainant
2.	Shri Shivam Kumar	Complainant
3.	Shri Pankaj Kumar	Complainant's Father
4.	Advocate Shubam Agarwal	Respondent 4
5.	Ms. Preeti Nanda, Consultant (Legal)	Respondent 4

4.2 No representatives on behalf of Respondents 1, 2, and 3 were present during the proceedings.

5. Record of Proceedings

5.1 The Respondent, represented by the National Medical Commission (NMC), submitted that the disability assessment had been carried out in accordance with the applicable guidelines governing disability certification for NEET admissions. It was further submitted that, under the revised regulatory framework, any person aggrieved by the findings of the designated Disability Assessment Board is required to avail the statutory appellate mechanism prescribed under the relevant guidelines by approaching the competent Appellate Medical Authority. The Respondent contended that the Commission was not the appropriate forum for re-evaluating the medical opinion rendered by the designated Medical Board and that the Complainant ought to pursue the remedy available before the designated appellate authority in accordance with the prescribed procedure.

5.2 Upon hearing the Respondent, the Court observed that the grievance essentially related to the correctness of the disability assessment conducted by the designated Medical Board and that the applicable regulatory framework provides a specific appellate mechanism for challenging such assessments before the

competent Appellate Medical Authority.

5.3 The Respondent, National Medical Commission (NMC), submitted that the disability assessment had been conducted in accordance with the prevailing Guidelines governing admission to medical courses. It was further submitted that the assessment undertaken by the designated Medical Board is based primarily on the functional capacity of the candidate for pursuing medical education, rather than merely on the disability percentage reflected in the UDID Card or previous disability certificates.

5.4 Upon hearing the submissions, the Court observed that the Complainant is a meritorious candidate who has qualified the NEET Examination and is also in possession of a valid UDID Card certifying 60% visual impairment, which continues to be a valid statutory document unless modified or cancelled in accordance with law. The Court further observed that while the assessment of functional capacity is an essential consideration under the applicable NMC Guidelines, the existence of a substantial variation between the disability reflected in the UDID Card and the assessment made by the designated Medical Board warrants careful scrutiny.

5.5 The Court further observed that the counselling process is time-bound and that denial of an opportunity to participate at this stage may result in irreparable prejudice to the Complainant. A meritorious candidate with benchmark disability should not be deprived of the opportunity to compete for admission solely on account of a disputed disability assessment, particularly when the dispute remains unresolved and the counselling process is nearing completion.

5.6 Accordingly, the Court recommended that the Respondents permit the Complainant to participate in the ongoing NEET counselling process on the strength of his valid UDID Card, subject to the final outcome of the disability assessment proceedings and the applicable admission regulations, so that no irreversible prejudice is caused to the Complainant.

5.7 The Court further observed that the Complainant shall avail the statutory appellate remedy before the competent Appellate Medical Board under the applicable NMC Guidelines. In the event the Appellate Authority is also unable to conclusively resolve the discrepancy or if a reasonable doubt continues to persist regarding the assessment of the Complainant's disability and functional capacity, the matter may be referred to an independent and neutral Medical Board for a fresh assessment, after considering all relevant medical records, including the UDID Card, previous disability certificates, clinical findings, and the functional capacity criteria prescribed under the applicable Guidelines.

5.8 The Court observed that such a course of action would balance the statutory framework governing medical admissions with the rights of persons with disabilities under the Rights of Persons with Disabilities Act, 2016, while ensuring that a meritorious candidate is not deprived of an educational opportunity on account of unresolved procedural or medical inconsistencies. Consequently, the Court has determined no further intervention necessary.

6. Accordingly, the case is disposed of.

(S. Govindaraj)

Commissioner for Persons with Disabilities