



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

5वाँ तल, एन.आई.एस.डी. भवन, जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष : (011) 20892364

5th Floor, N.I.S.D. Bhawan, G-2, Sector-10, Dwarka, New Delhi-110075; Tel.: (011) 20892364

Email: ccpd@nic.in; Website: www.ccdisabilities.nic.in

Case No: DNO/26/CCPD/6775

In the Matter of

Complainant

Shri Aashish Kohli

Versus

Respondent(s)

1. The Assistant Director General of Medical Education (ADG-ME), Medical Counselling Committee
2. The Chairman, National Medical Commission
3. The Director, VMMC and Safdarjung Hospital

1. Background of the Case

1.1 The Complainant, Shri Aashish Kohli, a NEET-UG 2026 candidate, submitted a grievance dated 19.08.2026 and stated that he holds a valid permanent UDID card showing 45% disability. He submitted that the Designated Disability Board at VMMC & Safdarjung Hospital found him medically fit to pursue the MBBS course but reduced his disability percentage from 45% to 30%. He alleged that the reduction has prevented him from availing PwBD reservation in the ongoing NEET-UG counselling. He stated that he has already submitted a representation to DGHS/Nirman Bhawan regarding the matter.

2. Hearing

2.1. A preliminary hearing was conducted on 03.09.2026 wherein the following parties/representatives were present:

Sl. No.	Name of the Parties / Representatives	On Behalf of
1.	Shri Aashish Kohli	Complainant
2.	Ms. Deeksha Kohli	Complainant's Sister
3.	Dr. Nita Khurana, Additional DGHS	Respondent No. 1
4.	Dr. Piyush, VMMC and Safdarjung Hospital, Delhi	Respondent No. 3
5.	Dr Bindi, VMMC and Safdarjung Hospital, Delhi	
6.	Dr. Avani, VMMC and Safdarjung Hospital, Delhi	

2.2 No representative was present on behalf of Respondent No. 2 during the proceedings.

3. Record of Proceedings

3.1 During the proceedings, Respondent No. 1 and 3, represented by Dr. Nita Khurana and officials of VMMC & Safdarjung Hospital, submitted that the Complainant had been assessed by the designated Primary and Appellate Medical Boards in accordance with the applicable NMC guidelines. Both Boards independently assessed the Complainant at 30% disability, below the 40% threshold for benchmark disability, while finding him eligible to pursue the MBBS course on merit but not entitled to PwBD reservation. The Respondents submitted that the assessment considers the nature and extent of disability, functional competence, reasonable accommodation and patient-safety considerations. With respect to his multiple disabilities, the Complainant was assessed at 30% visual and 8% hearing impairment, with the applicable formula not resulting in any increase in the overall assessment. The Respondents further submitted that although the 2023 UDID card recorded 30% visual and 22% hearing impairment with an overall disability of 45%, the subsequent Boards had consistently arrived at 30% under the applicable guidelines.

3.2 The Complainant submitted that the reduction of his disability

percentage from 45% to 30% had deprived him of PwBD reservation in the ongoing NEET-UG counselling. He contended that his eligibility should not be determined solely on the numerical percentage of disability and relied upon judicial decisions concerning functional assessment and eligibility of persons with disabilities. He further submitted that his UDID card records permanent multiple disability and that the discrepancy between the UDID assessment and the subsequent Board assessments required examination. In view of the time-sensitive second round of NEET-UG counselling, he sought urgent consideration of his PwBD eligibility and requested examination of the underlying disability assessments/certificates and an appropriate opinion on the discrepancy in the recorded disability percentages.

4. Observation and Recommendation

4.1 The Court observed that the Complainant is in possession of a permanent UDID card reflecting 45% multiple disability, whereas the disability assessment conducted by the designated medical authorities for the purpose of determining eligibility for PwBD reservation in the MBBS course assessed the Complainant's disability at 30%. The Court noted that the discrepancy between the UDID assessment and the subsequent medical assessments required examination on the basis of the material available on record.

4.2 The Court further observed that the Complainant had been assessed by two separate designated medical Boards, including the primary Board and the appellate Board, and that both Boards had independently arrived at the same assessment of 30% disability. The consistency between the two assessments, particularly when undertaken under the applicable NMC framework for determining eligibility for PwBD reservation in medical education, substantially reinforces the reliability of the subsequent assessment.

4.3 The Court observed that the purpose and evidentiary value of a UDID certificate, on the one hand, and an assessment undertaken by a designated medical Board for determining eligibility for PwBD reservation in medical education, on the other, operate in distinct contexts. The existence of a permanent UDID card, therefore, cannot by itself conclusively determine eligibility for a particular statutory or regulatory benefit where the competent authority is required to

undertake a specific assessment in accordance with the applicable guidelines.

4.4 The Court considered the Complainant's reliance upon the judgment of the Hon'ble Supreme Court in *Omkar Ramchandra Gond v. Union of India & Ors.*, 2024 INSC 775. The Court observed that the said judgment does not lay down that the mere existence of a disability certificate reflecting 40% or more disability automatically entitles a candidate to PwBD reservation in medical education, irrespective of the assessment undertaken by the competent medical authority. The judgment was concerned, inter alia, with a situation where a candidate possessing benchmark disability was being treated as ineligible to pursue the medical course merely on account of the quantified percentage of disability. The Supreme Court held that quantified disability, by itself, could not disentitle such a candidate and emphasised the necessity of an assessment of the candidate's ability to pursue the course.

4.5 The Court observed that the factual position in the present matter is materially different. In the present case, the Complainant has not been denied admission to or continuation in the MBBS course on account of his disability. Rather, he has been permitted to pursue the course, while his claim to PwBD reservation has not been accepted because the two designated Boards have assessed his disability at 30%, below the statutory threshold of benchmark disability. Accordingly, the ratio in *Omkar Ramchandra Gond* cannot, without more, be invoked to substitute the Complainant's earlier UDID assessment for the two subsequent assessments specifically undertaken in the context of medical admission and PwBD eligibility.

4.6 The Court also considered the Complainant's reliance upon the Hon'ble Allahabad High Court's judgment in *Somya Paul v. Union of India* [as cited by the Complainant]. The Court observed that the principle emerging from the said decision, to the extent relied upon by the Complainant, cannot be read in isolation from the factual and regulatory context in which the concerned assessment was undertaken. The said reliance does not, in the opinion of the Court, establish that a previously issued disability certificate must invariably prevail over a subsequent assessment by the designated medical authorities competent to determine eligibility for PwBD reservation in the MBBS admission

process.

4.7 The Court further observed that the Complainant's reliance upon judicial decisions concerning the importance of functional assessment does not, by itself, answer the threshold question of whether he falls within the statutory definition of a *person with benchmark disability*. Functional assessment becomes relevant within the framework prescribed for determining eligibility; however, where the very benchmark status is disputed and the competent Boards have consistently assessed the disability at 30%, the Court cannot proceed on the assumption that the Complainant continues to satisfy the 40% threshold merely on the basis of the earlier UDID certificate.

4.8 The Court noted that the assessment of the Complainant's visual and hearing impairments, including the treatment of the secondary hearing impairment under the applicable assessment methodology, had been explained by the Respondents. The Court found that the assessment of 30% was not shown, on the material presently available, to be arbitrary, discriminatory, or contrary to the applicable guidelines.

4.9 The Court further observed that the fact that the Complainant's earlier UDID certificate reflected 45% disability does not, by itself, establish that the subsequent assessment at 30% constitutes an unlawful reduction of his disability status. The discrepancy requires to be understood in the context of the methodology, purpose and competent authority involved in the respective assessments. In the present case, the subsequent assessment has the additional strength of having been independently arrived at by two designated Boards, both of which have reached the same conclusion.

4.10 The Court accordingly found that, on the material placed before it, there was no prima facie violation of the rights of the Complainant under the Rights of Persons with Disabilities Act, 2016, insofar as the denial of PwBD reservation in the present MBBS counselling process is concerned. The Complainant's entitlement to pursue the MBBS course remains unaffected, and the denial is confined to the claim of reservation under the PwBD category.

4.11 The Court nevertheless considered the discrepancy between the permanent UDID certificate and the subsequent Board assessments to

be sufficiently material to warrant consideration of the independent opinion obtained in the matter. Upon consideration thereof, the Court's prima facie view is that the two Board assessments, having independently and consistently assessed the Complainant at 30%, substantially reinforce the Respondents' position and provide a more specific evidentiary basis for determining eligibility for PwBD reservation in the present admission process.

4.12 The Court accordingly found no sufficient ground to direct the Respondents to treat the Complainant as eligible under the PwBD category merely on the basis of the 45% disability reflected in his UDID card. The Complainant may, however, continue his MBBS education on the basis of the eligibility already extended to him in the non-PwBD category, subject to the applicable admission and counselling rules. In view of the above, the Court found no ground for granting the interim relief sought by the Complainant for provisional recognition as a PwBD candidate for the ongoing counselling process. The Complainant shall, however, be at liberty to approach the appropriate Constitutional Court, in accordance with law, if he remains aggrieved by the present determination.

5. Consequently, the Court has determined no further intervention necessary. Accordingly, the case is disposed of.

Digitally signed by
S Govindaraj
Date: 11-09-2026
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(S. Govindaraj)

Commissioner for Persons with Disabilities