Case No. CCPD/16535/1041/26 **Dated:** 12/10/2026

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In the Matter of

Complainant

Dr. Gourav Dular

Versus

Respondent(s)

The Director, AIIMS Delhi

1. Background of the Case

1.1 The Complainant, Dr. Gourav Dular, is an MBBS graduate from AIIMS, New Delhi, and a Person with Benchmark Disability (PwBD) having 50% disability. He submitted the complaint regarding his rejection from appearing in the INI-CET May 2026 examination for admission to postgraduate medical courses. The Complainant stated that he successfully completed his MBBS course, including all professional examinations and the compulsory internship. He secured 54.75% aggregate marks in his MBBS examinations. However, as per the INI-CET Prospectus, candidates belonging to the OBC-PwBD category are required to have at least 55% aggregate marks. Due to a shortfall of only 0.25%, he was not allowed to appear in the INI-CET May 2026 session. The Complainant submitted a detailed representation to the Director, AIIMS on 14.06.2026, requesting that his case be considered in view of his PwBD status and the principles of reasonable accommodation, equality and non-discrimination under the Rights of Persons with Disabilities Act, 2016. However, AIIMS rejected his representation on 07.07.2026, stating that he was required to fulfil the prescribed minimum of 55% marks.

1.2 The complainant alleged that AIIMS rejected his representation mechanically without properly

considering his submissions under the RPwD Act, particularly the principle of reasonable accommodation and substantive equality. He stated that the reply given by AIIMS only repeated the eligibility condition in the INI-CET Prospectus and did not give reasons on the issues raised by him. He therefore contended that the rejection was a non-speaking and unreasoned decision. The complainant further submitted that several postgraduate admission systems provide relaxation in minimum qualifying marks for PwBD candidates. He referred to CUET-PG and certain universities where relaxation is provided to PwBD candidates. He also stated that NEET-PG does not prescribe any minimum MBBS aggregate percentage merely for appearing in the examination. According to him, since admission to postgraduate medical courses is ultimately based on performance in the entrance examination, imposing a minimum MBBS percentage for appearing in INI-CET is not justified. The complainant has therefore requested the Hon'ble CCPD to examine whether AIIMS has correctly applied the RPwD Act and the principle of reasonable accommodation in his case.

1.3 He has sought a reasonable relaxation in the minimum qualifying marks for PwBD candidates, waiver of the minimum MBBS percentage requirement for PwBD candidates appearing in INI-CET, and condonation of his marginal shortfall of 0.25%. He has also requested appropriate directions to the concerned authorities, including the Ministry of Health & Family Welfare, Ministry of Social Justice & Empowerment and AIIMS, to consider providing a 5% relaxation in minimum qualifying marks for PwBD candidates. He has requested that the matter be decided expeditiously so that he can apply for the upcoming INI-CET November 2026 session.

2. Notice Issued

2.1 The matter was taken up with the Respondent vide notice dated 21.09.2026 citing provisions u/s 75, 77, 3, 21 and 23 of the Rights of Persons with Disabilities Act, 2016 read with Rule 8 of the RPwD Rules, 2017.

3. Respondent's Submission

3.1 The Respondent, All India Institute of Medical Sciences (AIIMS), New Delhi, submitted that the grievance of the Complainant was duly examined by its Academic Section and a reasoned reply had already been communicated vide letter dated 23.09.2026. AIIMS contended that the prescribed minimum eligibility requirement of 55% aggregate marks for the OBC category applies equally to OBC-PwBD

candidates. The Respondent stated that reservation for Persons with Benchmark Disabilities operates horizontally and does not, in the absence of an explicit provision, modify or relax the substantive academic eligibility criteria. It was further maintained that admissions through INI-CET are strictly governed by the conditions stipulated in the approved Prospectus, and the Academic Section possesses no competence to waive, alter, or relax these prescribed standards. Consequently, AIIMS submitted that the Complainant was declared ineligible strictly under the governing terms of the INI-CET Prospectus rather than on account of his PwBD status, and prayed that the complaint be disposed of with no further action warranted.

4. Hearing

4.1. A hearing was conducted on 09.10.2026 wherein the following parties/representatives were present:

Sl. No.	Name of the Parties / Representatives	On Behalf of
1.	Dr. Gourav Dular	Complainant
2.	Professor Rakesh Lodha, Associate Dean (Academics), AIIMS Delhi	Respondent
3.	Shri Anchit Mathur, Advocate & Legal Consultant, AIIMS	Respondent

5. Record of Proceedings

5.1 During the proceedings, the Complainant reiterated the contents of his complaint, submitting that he had secured 54.75% aggregate marks in MBBS and that denying him an opportunity to appear in INI-CET due to a shortfall of 0.25% was arbitrary and contrary to Section 3 and Section 32 of the RPwD Act, 2016. He emphasized that the Supreme Court of India has held that relaxations provided to SC/ST categories must equally be extended to persons with disabilities, and prayed for urgent directions as the registration portal was set to close on 13.10.2026.

5.2 The representative appearing on behalf of the Respondent, Dr. Rakesh, Associate Dean, submitted that the eligibility criteria of 55% aggregate marks in MBBS applies uniformly to General, OBC, and OBC-PwBD categories, as reservation for PwBD operates horizontally. He stated that the Academic Section possesses no competence or administrative authority to relax, alter, or waive the academic eligibility criteria approved by the Standing Academic Committee and published in the INI-CET Prospectus.

5.3 Upon a specific query from the Court regarding whether any academic relaxation is provided to other reserved categories, the Respondent's representative conceded that a 5% relaxation (reducing the qualifying requirement to 50% aggregate marks) is provided to SC/ST candidates under the guidelines, but stated that no corresponding provision exists in the prospectus to extend the same benefit to OBC-PwBD candidates.

5.4 The Court observed that the Hon'ble Supreme Court has settled the law that relaxations and concessions extended to SC/ST candidates must be extended to persons with benchmark disabilities as well, and directed the Complainant to place his formal rejoinder/written submissions on record, which the Complainant subsequently submitted on 12.10.2026.

6. Rejoinder

6.1 In response, the Complainant submitted a rejoinder dated 12.10.2026 and stated that the insistence on a 55% qualifying aggregate marks criterion for OBC-PwBD candidates in INI-CET (PG) violates Article 14 of the Constitution of India read with the Rights of Persons with Disabilities Act, 2016. He prayed for directions to remove the 55% threshold or reduce it to 50% to bring it at par with the relaxation granted to SC/ST candidates, in line with Supreme Court directives. The Complainant argued that an admission prospectus is merely a subordinate administrative instrument that cannot override or diminish the statutory rights conferred by a Parliamentary legislation such as the RPwD Act, 2016. He contended that AIIMS erred in giving primacy to the prospectus over statutory rights and highlighted that he has also been deprived of the 50% State internal quota through NEET-PG. Pointing out that online applications for the INI-CET PG entrance examination were closing on 13.10.2026, the Complainant prayed for urgent directions permitting him to submit his application and appear for the examination scheduled on 01.11.2026.

7. Observation and Recommendations

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7.1 The Court has considered the complaint, the written reply dated 05.10.2026 filed by the Respondent, the written submissions filed by the Complainant on 12.10.2026, and the oral submissions made by both parties during the hearing. The primary issue for determination is whether AIIMS is legally justified in denying relaxation in minimum qualifying marks to an MBBS graduate with benchmark disability (securing 54.75% marks) under the INI-CET Prospectus, when a 5% relaxation (reducing the qualifying requirement from 55% to 50%) is routinely extended to candidates belonging to the SC/ST categories.

7.2 At the outset, the Court observes that an admission prospectus or executive guideline issued by an educational institution is subordinate in character and cannot supersede, dilute, or circumvent statutory rights guaranteed by Parliamentary enactments. The Rights of Persons with Disabilities Act, 2016 is a rights-based legislation that operationalizes substantive equality, non-discrimination, and reasonable accommodation for persons with benchmark disabilities under Sections 3 and 32. Mechanical adherence to prospectus rules without evaluating statutory accommodations defeats the beneficial objective of the Act.

7.3 The Court observes that the legal position regarding the extension of concessions and relaxations to persons with disabilities is no longer *res integra*. The Hon'ble Supreme Court of India in *Aryan Raj v. Chandigarh Administration & Ors.*, (2021) 19 SCC 813, Civil Appeal No. 2718 of 2020, decided on 08.07.2020, particularly paragraph 5, wherein the Hon'ble Court held as follows:

> *"In our view, considering that Scheduled Castes/Scheduled Tribes candidates require 35 per cent to pass in the aptitude test, the same shall apply so far as the disabled are concerned in future."*

The Hon'ble Supreme Court further observed that persons with disabilities are, at the very least, entitled to the same benefits as those extended to candidates belonging to the Scheduled Castes and Scheduled Tribes, following the principle laid down in *Anamol Bhandari (Minor) through his Father/Natural Guardian v. Delhi Technological University*, 2012 SCC OnLine Del 3213.

7.4 The Hon'ble Supreme Court of India, in *In Re: Recruitment of Visually Impaired in Judicial Services*, 2025 INSC 300, decided on 03.03.2025, reaffirmed the principle laid down in *Aryan Raj v. State (UT) of*

Chandigarh, (2021) 19 SCC 813. In paragraph 52.1, the Hon'ble Court reiterated that persons with disabilities are, at the very least, entitled to the same benefits as those extended to candidates belonging to the Scheduled Castes and Scheduled Tribes in the context of qualifying criteria. Further, in paragraph 62, the Hon'ble Court observed that relaxation of minimum qualifying marks is permissible in law, particularly where the competent authority has the power to grant such relaxation. Specifically, in paragraph 63.2, the Hon'ble Court held that relaxation of cut-off marks is permissible for candidates with disabilities appearing for judicial-service examinations. The Court further held in paragraph 63.3 that separate cut-off marks and a separate merit list for the PwD category must be maintained at every stage of the selection process.

7.5 Accordingly, the aforesaid judgment recognises the applicability of equivalent qualifying-mark relaxation to candidates with disabilities in the specific context of the aptitude test in question. The principle may be relied upon in assessing the entitlement of persons with disabilities to comparable concessions, subject to the applicable statutory provisions and the facts of the matter under consideration

7.5 The Respondent has explicitly admitted that candidates belonging to the SC/ST categories are granted a 5% relaxation in aggregate MBBS marks, requiring them to possess 50% marks to be eligible for INI-CET, while OBC-PwBD candidates are held strictly to the 55% benchmark. Denying the benefit of this 5% relaxation to a candidate with benchmark disability, solely on the ground that his underlying vertical category is OBC/General and that PwBD reservation operates horizontally, runs contrary to the settled constitutional mandate and law declared by the Apex Court.

7.6 The Court further notes that the Complainant has already successfully completed the rigorous five-and-a-half-year MBBS course and internship at a premier medical institution and has secured 54.75% aggregate marks, falling short of the general cut-off by a mere 0.25%. Disqualifying a qualified doctor with a benchmark disability from merely sitting for an open, competitive postgraduate entrance examination on such technical grounds, without considering reasonable accommodation, is disproportionate and impermissible under the RPwD Act, 2016.

7.7 In view of the above, the Court recommends that:

I. The Director and Academic Section, All India Institute of Medical Sciences (AIIMS), New Delhi, are recommended to extend a 5% relaxation in the minimum qualifying aggregate marks in the qualifying

MBBS examination, i.e., by reducing the prescribed requirement from 55% to 50%, to all Persons with Benchmark Disabilities (PwBD), at par with the relaxation extended to candidates belonging to the Scheduled Castes and Scheduled Tribes, in accordance with the applicable legal framework and the principles laid down by the Hon'ble Supreme Court of India.

II. It is further recommended that the aforesaid relaxation shall not be treated as an isolated or case-specific concession confined to the Complainant, Dr. Gourav Dular, but shall be considered for uniform application to all eligible PwBD candidates governed by the relevant eligibility criteria. The Respondent is accordingly advised to take appropriate administrative and policy measures to institutionalise the relaxation, ensuring that similarly situated candidates are not required to approach this Court individually to secure the benefit of the applicable legal provisions.

III. In view of the impending registration deadline of 13.10.2026 and the examination scheduled for 01.11.2026, the Respondent, AIIMS, New Delhi, is recommended to immediately consider and facilitate the acceptance of the online application of the Complainant, Dr. Gourav Dular, by condoning the marginal shortfall of 0.25% in his qualifying aggregate marks, and permit him to appear provisionally in the INI-CET Postgraduate Entrance Examination, subject to verification of the remaining eligibility conditions and the applicable admission rules, without prejudice to the final determination of his eligibility.

IV. The Respondent, in consultation with the Ministry of Health and Family Welfare and the competent academic authorities, is recommended to initiate the necessary administrative action to place the matter before the Standing Academic Committee and/or other competent authority for appropriate revision of the eligibility provisions in future INI-CET prospectuses, admission brochures and notifications, so as to expressly incorporate the applicable qualifying-mark relaxation for eligible PwBD candidates on a uniform and non-discriminatory basis.

V. The Respondent is further recommended to ensure that the revised qualifying-mark criteria and the applicable concessions for PwBD candidates are adequately publicised and communicated through all relevant admission brochures, prospectuses, information bulletins, examination notifications,

corrigenda and other admission-related publications. The updated information shall also be prominently displayed on the official AIIMS website and the INI-CET application portal, wherever applicable, in accessible formats, so that prospective candidates with disabilities are duly sensitised and informed of their entitlements well in advance of the application and examination deadlines. The information shall be disseminated in clear and unambiguous language to prevent uncertainty, inconsistent implementation and avoidable exclusion of eligible candidates.

VI. The Respondent is recommended to submit an Action Taken Report (ATR) before this Court within 30 days from the date of this Order, setting out the measures taken towards consideration and implementation of the aforesaid recommendations, including the immediate steps taken in the Complainant's case, the action initiated for institutionalising the relaxation for all eligible PwBD candidates, the proposed revision of the relevant eligibility provisions, and the measures adopted for dissemination of the revised criteria through the official AIIMS website and admission-related publications.

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

Yours faithfully,

(S. Govindaraj)
Commissioner