

Court No. - 8

Case :- WRIT - C No. - 7826 of 2023

Petitioner :- Waliullah

Respondent :- Union Of India Thru. Chief Secy. Ministry Of Ayush New Delhi And 3 Others

Counsel for Petitioner :- Iqbal Ahmad

Counsel for Respondent :- A.S.G.I.,C.S.C.,Devak Vardhan

Hon'ble Pankaj Bhatia,J.

1. Heard learned Counsel for the petitioner as well as Sri Umesh Singh, learned Counsel for the Union of India and Sri Devak Vardhan, learned Counsel for the respondent no.3.

2. The present petition has been filed by the petitioner alleging that the petitioner had appeared in the NEET (PG) 2023 Examination and had secured first rank in the category of PwD (Physically handicapped).

3. It is argued by the Counsel for the petitioner that in view of the high percentile decided in the category of the physically handicapped candidate. It is impossible for the petitioner to get admission despite the petitioner ranking first in his category. He argues that in terms of the proviso to the Regulation 8(iii) of the Notification dated 07.12.2018 issued by the Central Council of Indian Medicine, the Central Government is empowered to in consultation with the Council may at its discretion lower the minimum marks required for admission with an intent to fulfill the seats and to ensure that no seats go vacant.

4. It is further argued by the Counsel for the petitioner that in the past similar decision was taken by the Government of India in respect of the Examination of AIA-PGET, 2019 as is evident from the documents contained in Annexure-5. He argues that for exercise the powers at best, the petitioner has already been made a representation to the Central Government.

5. The Counsel for the respondents based upon the instructions states that the representation of the petitioner shall be considered by the respondent no.1 in consultation with the respondent no.3 in accordance with the powers conferred under the proviso to the Regulation 8(iii) of the Notification dated 07.12.2018 within 10 days from today.

6. Considering the fact that the respondents themselves have

undertaken to take a decision, the present petition is ***disposed off*** directing the respondent no.1 to take a decision with regard to lowering the percentile for the category, in which the petitioner is appearing, if so advised, in consultation with the Council in terms of the proviso to Regulation 8(iii) of the Notification dated 07.12.2018 within a period of ten days from today.

7. Needless to say that the benefits of the decision, if any, in terms of the abovesaid direction shall enure to all the students.

Order Date :- 19.9.2023

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