

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Special Appeal Writ No. 1385/2025

Vaishnavi Agarwal D/o Sanjay Agarwal, Aged About 17 Years,
R/o Udai Mod, Gangapur City Through Her Natural Guardian Shri
Sanjay Agarwal.

----Appellant

Versus

1. Union Of India, Through Ministry Of Health And Family Welfare, Government Of India, Room No. 201-D, Nirman Bhawan, New Delhi- 110011 Through Its Secretary.
2. Directorate General Of Health Services, Medical Counselling Committee, Nirman Bhawan, New Delhi- 110011 Through Its Director General.
3. National Testing Agency, First Floor, Nsic- Mdbp Building. Okhla Industrial Estate, New Delhi, Delhi 110020 Through Its Member Secretary.
4. The Sms Medical College, Jaipur Through Its Principal

----Respondents

For Appellant(s)	:	Dr. T.N. Sharma
For Respondent(s)	:	Ms. Manjeet Kaur Mr. Priyam Aggarwal with Mr. Rohit Tiwari, AGC

HON'BLE THE ACTING CHIEF JUSTICE MR. SANJEEV PRAKASH SHARMA

HON'BLE MRS. JUSTICE SHUBHA MEHTA

Order

09/03/2026

1. Heard.
2. This case was earlier allowed in light of the judgment in Raman Khandelwal whereafter, it was informed that the appellant Vaishnavi Agarwal had not presented herself for medical examination. We, therefore, reviewed our earlier judgment and directed the present appellant to also appear before the Medical Board of Safdarjung Hospital, New Delhi. A report dated 02.03.2026 has been received from Vardhman Mahavir Medical College & Safdarjung Hospital, New Delhi, which reads as under:-

"File No. 2-20/2025-NEET (UG)-COURT CASE-147 Date: 02-03-2026

Medical Board was held on 02-03-2025 at under the Chairpersonship of Dr.Vandana Chakravarty, for examination of NEET – UG candidate Ms. Vaishnavi Agrawal D/o Sh. Sanjay Agrawal. She is a case of post burn claw with (Righ Hand) difficulty in ADL as per UDID on Assessment as per NMC guidelines No.NMC/UGMEB/PwBD/2025, dated 18-07-2025.

Remarks (Findings and Recommendations): The board has only evaluated the given functional competencies and deemed applicant eligible while the disability is as per the UDID certificate.

Sd/-
MEMBER

Sd/-
MEMBER

Sd/-
MEMBER

Sd/-
CHAIRPERSON"

3. In view of the above, the case of the appellant would be covered by the judgment passed by us in the case of **Raman Khandelwal Vs. State of Rajasthan & Ors (D.B. Special Appeal Writ No.1342/2025)**, decided on 19.12.2025, wherein it was held as under:

"1. The medical report opinion dated 09.12.2025 has been placed on record. A copy of the same can be made available to the counsel appearing for the NEET UG Board and to the National Medical Commission for the purpose of present case.

2. It would be apposite to quote the medical board opinion, which reads as under :-

Date 09.12.2025

Medical Board Opinion

Medical Board was held on 08-12-2025 at 02:00 pm under the Chairpersonship of Dr. Vandana Chakravarty, for examination of NEET-UG candidate Mr. Raman Khandelwal. He is a case of congenital absence of Right Hand. On Assessment as per NMC guidelines No.NMC/UGMEB/PwBD/2025, dated 18-07-2025 board found that he is able to do the functional competencies listed in the assessment form (Locomotor Disability – Upper Extremity) using both upper limbs.

The assessment proforma as per the above NMC order is attached alongwith.

Member

*2. Considering the said assessment, the denial of admission to the petitioner cannot be sustained, he would be entitled for admission in MBBS Course in terms of mandate laid down by the Hon'ble Supreme Court in the cases of **Anmol Vs. Union of India** passed in **Civil Appeal No.14333/2024** decided on 21.02.2025, **Omkar Ramchandra Gond Vs. Union of India** reported in [(2024)*

SCC Online SC 2860] and Om Rathod Vs. Director General of Health Services & Ors. reported in [(2024) SCC Online SC 3130].

3. It is made clear that merely because of delay in getting the medical report, the petitioner will not be deprived of his rightful claim of his admission of continuous study in the College where he was given the allotment. Further in view of interim order passed by the learned Single Judge during pendency of the writ petition, the petitioner would be entitled for admission in MBBS Course.

4. Keeping in view thereto, we are of the firm view that the petitioner cannot be deprived of his rightful claim of his admission for continuing his studies in the College and consequences to follow.

5. In view of the aforesaid, the impugned judgment dated 11.11.2025 passed by the learned Single Judge is quashed and set-aside. The appeal is accordingly allowed.

6. All pending misc. applications stand disposed of."

4. It is to be noted that the Hon'ble Supreme Court in the case of **Kabir Paharia Vs. National Medical Commission & Ors, 2025 SCC OnLine SC 1025**, in para 12 held as under:

"12. Taking consideration of the fact that the 2024-2025 academic session must have progressed significantly and thus it would not be expedient to grant admission to the appellant in the said session. We accordingly direct that the appellant shall be allocated a seat in the MBBS UG course 2025 against the Scheduled Castes PwBD quota in the All-India Institute of Medical Science, New Delhi, in the forthcoming academic session."

5. Further in the case of **Om Rathod Vs. The Director General of Health Services & Ors., (2024) 19 Supreme Court Cases 70**, the Hon'ble Supreme Court has held as under:

"74.2. A supernumerary seat shall be created at AIIMS, Nagpur and the seat shall be allocated to the appellant, provided that he has not already secured a seat at a college of his choosing;"

6. Accordingly, the present appeal is allowed.

7. It is made clear that the respondents shall take steps to admit the appellant in the present session itself if vacancy lies. However, if for any good reason, the vacancy is not available for

admission and the respondents are unable to give admission to the appellant, then considering the judgments passed by the Hon'ble Supreme Court in the cases of **Kabir Paharia** (supra) **and Om Rathod** (supra), the appellant shall be allocated a seat in the MBBS UG Course, 2026 against PWD quota in SMS Medical College, as she is presently even eligible for admission to All India Institute of Medical Sciences, New Delhi.

(SHUBHA MEHTA),J

(SANJEEV PRAKASH SHARMA),ACTING CJ

SANJAY KUMAWAT/RAJAT/129