

# **Doctors with Disabilities: Agents of Change**

Striving for diversity & inclusion in medical education

August 16, 2018

**Shri J P Nadda**  
**Minister for Health**

**Hon'ble Minister,**

On the direction of your Ministry, an expanded committee on disability was constituted by Medical Council of India (MCI) which framed "Guidelines For Persons with Specified Disability" dated 05.06.2018 for admission into MBBS of all 21 benchmark disabilities recognized in the new Rights of Persons with Disabilities (RPwD) Act 2016.

2. The Hon'ble Supreme Court of India vide its order dated 10.08.2018 in Writ Petition(s)(Civil) No(s).669/2018 titled Purswani Ashutosh (Minor) Through Dr. Kamlesh Virumal Purswani versus Union of India & Ors has observed that the recommendation by this MCI Committee has not attained finality and pending before the Central Government for its consideration. The apex Court has ordered Central Government to decide this issue within ten days and listed the case for the next hearing on 21st August, 2018.

3. The apex Court also stated that "it is open to stakeholders for disabled categories including the petitioners to submit a representation to Central Government." Hence this appeal.

4. We, the undersigned, represent pan-India doctors with disabilities who have fought their disabilities, overcome adversity and now successfully serving society to fullest of their capabilities. Many of us are in top Government medical institutions and some are doing private service.

5. The MCI guidelines were criticized by many including top doctors, doctors with disabilities as well as doctors from AIIMS Delhi. Please find attached articles in the Indian Express by Dr. Shah Alam Khan, Professor of Orthopedics at AIIMS Delhi; a write up by Dr. Suresh Advani, wheelchair user doctor and Padma awardee; and another article by Dr. Satendra Singh, a Govt doctor with disability all criticizing MCI guidelines as unfair, discriminatory and in violation of RPwD Act 2016 and United Nations Convention on the Rights of Persons with Disabilities.

6. There are multiple litigations in the High Courts of the country and Supreme Court relating to denial/cancellation of admissions to MBBS of students with disabilities based on these

MCI guidelines. Moreover, doctors with disabilities or disability rights organizations were not included by the MCI in this process.

7. Despite the clear Assessment guidelines framed by Minister of Social Justice & Empowerment and ratified by your Ministry, a psychiatrist in the MCI Committee framed guidelines for dyslexia which is a developmental disorder assessed by pediatricians, neurologists and psychologists. His recommendation debarred candidate with learning disabilities to pursue MBBS when there are numerous doctors with dyslexia in the West. Similarly, the AIIMS pediatricians who frame assessment tools for Autism with Government of India last year were excluded from the committee.

8. It is important to note that candidates with learning disabilities were not afforded any special accommodations in the NEET Examinations in May 2018 and gave the exam under the same conditions as everyone else. Still, they cracked one of the toughest exams of the country which should clear all doubts regarding their ability to pursue MBBS.

8. These unapproved MCI guidelines also declare ineligible, candidates with locomotor disabilities, whose percentage are 80 per cent or higher or has upper limb disability in non-dominant limb. Suffice it to cite the example of Dr. Suresh Advani, a hemato-oncologist, a wheelchair user with 80 per cent disability. Dr. Advani, Padma Vibhushan and BC Roy awardee as per MCI guidelines is not fit to become a doctor.

9. Many of the undersigned have fought legal battles during post- and under-graduation because of this unscientific upper limit of disability which has no rationale in modern times. Dr YG. Parameshwara was the first blind doctor in India with MD Pharmacology, Dr Mary Verghese set up the first Rehabilitation department in India at CMC Vellore in her wheelchair, Willem Kolff heralded as the father of artificial organs and pioneer of hemodialysis had dyslexia, Dr Ted Rummel perform orthopedic surgeries in his wheelchair, Dr. Chad Ruffin is the first congenitally deaf person to become a surgeon using cochlear implants.

10. Last year too, Supreme Court directing the government to grant a seat to a student with thalassemia after she was denied admission. The apex Court also ruled that those with colour blindness should not be discouraged from pursuing a career in medicine.

11. The General Medical Council, UK has guidelines like '*Gateways to the Professions*' (2008) and '*Welcomed and Valued*' (2018) providing practical suggestions to support disabled medical students and doctors through education and training based on their disability law. Similarly, Association of American Medical Colleges 2018 report '*Accessibility, Inclusion, and Action in Medical Education: Lived Experiences of Learners and Physicians With Disabilities*' by Dr Lisa Meeks is another attempt to appreciate how people with disabilities can enrich medical education and the care of patients. No such attempt has been made by MCI in India despite RPwD Act in place and availability of doctors with disabilities.

12. Delhi High Court while granting interim relief to hearing impaired candidate stated that 'the recommendations of the Committee set up by the MCI, disintitling persons with specified benchmark disability from pursuing under graduate medical education are abhorrent to the principles enshrined in the Constitution of India and to provisions of the RPwD Act.'

13. We, therefore, request you to reject the discriminatory MCI guidelines in light of RPwD Act and instruct MCI to reframe the guidelines as per the best practices in other countries and in consultation with doctors with disabilities as well as organisations working among persons with disabilities.

Sincerely



**Dr Satendra Singh, MD**

Member, Ethics Committee, Delhi Medical Council

Executive Member, Academy of Health Professions Education

Associate Professor of Physiology, University College of Medical Sciences, Delhi

Henry Viscardi Achievement Awardee 2017 for global leaders in disability movement

Medical Personality of the Year 2017 given by President MCI at DMA

Delhi State Awardee for disability rights initiatives

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- Copy to:** 1) Sh Thawar Chand Gehlot, Minister of Social Justice & Empowerment  
2) President, Medical Council of India  
3) Secretary, Ministry of Health & Family Welfare  
4) Secretary, Department of Empowerment of Persons with Disabilities

**Signatories (all Doctors with Disabilities)**

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2. Dr Sangeeta Sharma, MD, HoD Pediatrics, National Institute of Tuberculosis & Respiratory Diseases, Delhi
3. Dr Arun Pandey, MS Orthopedics, All India Institute of Medical Sciences, Delhi
4. Dr Ashwani Mudgil, MS Orthopedics, VMMC & Safdarjung Hospital, Delhi
5. Dr Amit Amrut Bansode, MD, Assistant Professor of Pharmacology, Dr. VM Government Medical College, Solapur, Maharashtra
6. Dr Himanshu Dadlani, MDS, Professor of Periodontics, Kalka Dental College, Meerut, UP
7. Dr BK Amin, MD, Professor of Medicine, BJMC Ahmedabad, Gujarat
8. Dr Nirad Yadav, MD Psychiatry, Sawai Man Singh Medical College Jaipur, Rajasthan
9. Dr Md Rashid Siddiqui, MD Community Medicine, Maulana Azad Medical College, New Delhi
10. Dr Shrikant Kale, MD Medicine, Private Hospital, Akola, Maharashtra
11. Dr Abhishek Goenka, MD, Assistant Professor of Microbiology, Government Medical College, Akola
12. Dr Poonam Kajla, MD Medicine, RNT Medical College, Udaipur, Rajasthan

13. Dr Dinesh Puri, MD, HoD, Director Professor of Biochemistry, University College of Medical Sciences, Delhi
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15. Dr Sonali Dixit, MD Pathology, University College of Medical Sciences, Delhi
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69. Dr Divya Singh, MD Pediatrics, Rajendra Institute of Medical Sciences, Ranchi, Jharkhand
70. Dr Dharam Deep Singh, MD Psychiatry, Sawai Man Singh Medical College Jaipur, Rajasthan
71. Dr Satish Meena, MBBS, GSMC & KEM Hospital, Mumbai
72. Dr Dipak Kumar Prajapati, MD, Assistant Professor of Pathology, GMERS Medical College, Dharpur-Patan, Gujarat
73. Dr Jaydeep Gohel, MD Psychiatry, Private practitioner, Vadodra, Gujarat
74. Dr Adil Basha, MD Pathology, Bangalore Medical College, Karnataka
75. Dr Nandini Makwana, MD Radiodiagnosis, Ahmedabad, Gujarat

## FROM THE FRONT PAGE

# This oncologist has some advice for MCI on disability, students

any. And I also don't support the idea of making disability an eligibility criteria," he says.

When he was just eight years old, Advani suffered from polio, which left him wheelchair-bound. He completed his school education in Mumbai's central suburb of Chhatkopar. When he was 18, he sat for the medical entrance exam. "Even then, there was discrimination. I was refused admission," he says.

He was later granted admission after he presented his case

to the state government. "But the dean of Grant Medical College said I would get no special concessions. I agreed," he recalls.

Advani went on to pursue a Masters degree in general medicine from Grant Medical College, working for over 24 hours at a stretch during his residency. "All I needed was some help from friends when there were steps, or places where the wheelchair could not go," he says.

When he was 28, he moved

to London where he worked for three years. On his return, Advani worked at the Tata Memorial Hospital for 25 years, before starting his private practice. As a consultant at four hospitals, he begins work around mid-10 am and ends around midnight. Besides the Padma Bhushan, Advani was also awarded the Padma Shri and the Dr B C Roy national award from MCI.

Following the Rights of Persons with Disabilities Act,

2016, which expanded the disability list from seven to 21, the MCI, on the directions of the Ministry of Health and Family Welfare, set up a medical counselling committee to frame guidelines for medical students with disabilities. The guidelines, released in June, mandate that students with certain disabilities like autism, a range of hearing disabilities and locomotor disability beyond 70 per cent are ineligible to pursue medical education under disability quota.

Subsequently, in Maharashtra, of the 110 students who were admitted under the five per cent disability quota, eight were found to be ineligible. "The eight students found ineligible were not allowed to attend classes (which began on Thursday). We are only following MCI guidelines. The students have gone to court, but a decision is pending," says Dr Pravin Shingare, director, Directorate of Medical Education and Research

(DMER).

According to the MCI, a medical board, in four hospitals in Delhi, Mumbai, Kolkata and Chennai, will provide eligibility certificate after a student with disability clears NEET.

"There is no need for a medical board. A person knows his potential. He must be allowed to challenge himself," says Advani. "I am also not in support of reservation for disabled. If they clear NEET, they must be treated as equals."

"We are going several steps back. In other fields, employment opportunities are opening up for the disabled. Several disabled students are entering IT and IIM, then why not medicine," says Anjali Agarwal, attached to the Delhi-based NGO Samarthyaam, which works for the rights of the disabled.

"These are very new guidelines. We will have to initiate dialogue with the government," says disability rights activist Nidhi Goyal.







SHAH ALAM KHAN

# DIAGNOSING BIAS

*Arguments against those with disabilities pursuing medicine are prejudiced*

THE DELHI HIGH Court has ordered the formation of a committee of experts to examine if students with hearing impairment and dyslexia can pursue MBBS/BDS courses (IE, August 10). This order came after two cases of students with the said disabilities were denied admission to medical colleges. The court's order has opened up a debate on two important aspects of the social attitude towards those with physical and mental disabilities: One, the actual inability of those who are physically challenged to perform a task. Two, whether those with specific physical and mental disabilities should be allowed to become doctors.

The inability of those who suffer from physical disabilities is a matter of hollow words now. We have ample examples from various fields (including medicine) where those with disabilities have excelled. From Stephen Hawking to Frida Kahlo to the Academy Award-winning actress Marlee Matlin, the spectrum of those with disabilities is not only just wide but also unique.

What impedes special people is not their disability but rather the inability of society to provide opportunities for accessibility, and acceptance. Even if we argue that the names mentioned above are an exception because of their individual brilliance, technological progress has opened new spheres of care, functionality and hence, inclusiveness. With

It is a feeble argument that those with disabilities

cannot perform specific skills needed for the practice of medicine. The commonest plea I have heard is, 'how can a doctor with congenital absence of the upper limb perform a Cardio Pulmonary Resuscitation (CPR)?'

Surely he/she can't. In fact, many of my colleagues in their long medical careers have never performed CPR.

the future of this technological tsunami not known, the inability of those with disabilities is nothing more than a figment of a non-inclusive thought process.

Having said that, in India, despite the efforts of successive governments and activists, disability continues to be a social taboo, a concrete wall which remains unscaled.

Not unexpectedly, doctors with disabilities are a minuscule part of any population. In a study in the United States, it was seen that more than 20 per cent of Americans live with a disability but only 2 per cent of practising physicians have disabilities. In the absence of scientific studies, this figure remains unknown in India. Despite the tiny numbers, most advanced countries have associations and societies of physicians with disabilities. They not only fight for the rights of their members but also conduct studies to evaluate the functionality and patient attitudes towards doctors with disabilities. Most of these associations work within the purview of the Americans with Disability Act. In the presence of such a strong and effective statute, the associations are provided with teeth to look into issues with the medical curricula, which are disabled-friendly and ensure that they are adopted throughout the country. This is in striking contrast to the problem in our country where I am not aware of any such association or organisation. Even the recently for-

mulated Right of Persons with Disabilities Act, 2016, has not dealt on the subject in detail.

Doctors, if not the first, are surely the most important contact point for the diseased and the disabled. Simply put, the skills of a physician are nothing more than the practice of compassion. A person with disabilities will be more understanding towards a patient in a similar situation. It is a feeble argument that those with disabilities cannot perform specific skills needed for the practice of medicine. The commonest plea I have heard is, 'how can a doctor with congenital absence of upper limb perform a Cardio Pulmonary Resuscitation (CPR)?' Surely he/she can't. But pathologists, microbiologists, anatomists, dermatologists and many others might have never performed a CPR.

Thus, there is a need to understand that disability is not the problem but rather it is our inability to modify our medical curricula to be more willing to include students with physical and mental disabilities. The need is to redefine the technical standards and counselling competencies of medical education institutes to better define the needs of medical students with disabilities. Exclusion is the mark of a regressive society.

*Khan is professor of orthopaedics, AIIMS, New Delhi and author of Man with the White Beard. Views are personal*





SATENDRA SINGH

# BORDERS FOR DOCTORS

*Medical Council of India guidelines are unfair to people with disabilities*

INDIA CELEBRATED a new law in December 2016 – the Rights of Persons with Disabilities Act – which extended the existing list of disabilities from seven to 21. Its first visible impact was seen last year when a candidate with thalassaemia was denied NEET admission but the Supreme Court (SC) directed the government to grant her seat under the new law. Embarrassed by litigation and on the directions of the health ministry, an expanded committee on disability was constituted under the Medical Council of India (MCI) which submitted its recommendations on June 5.

Surprisingly, a psychiatrist from AIIMS framed the guidelines for dyslexia and recommended that candidates with this learning disability as well as those with autism are not suitable to pursue medical education under the disability quota. Usually, a paediatrician, psychologist and neurologist see dyslexic candidates but they were never consulted. Last year, the National Trust of the Ministry of Social Justice and Empowerment, with the paediatrics department at AIIMS, held a training programme for doctors on the new scales to diagnose autism. But the MCI chose a psychiatrist to decide on the careers of candidates with dyslexia.

I have locomotor disability but the MCI guidelines bar candidates with over 80 per cent of such disabilities to pursue medical education under the disability quota. The MCI itself has awarded its highest honour, the Dr BC Roy award, to Dr Suresh Advani. The President of India awarded him the Padma Shri and the Padma Bhushan. Advani is a hernato-oncologist but also a wheelchair user with disability above 80 per cent.

A young doctor in a rural hospital in World War II invented the first artificial kidney using sausage casings and orange juice cans. He went on to build the first artificial heart. He now recognises Willem Koff as the father of artificial organs and pioneer of hemodialysis. He had dyslexia. Another doctor, Helen Taussig, founded the speciality of paediatric cardiology despite having severe dyslexia. Our new disability law provides reservation benefits to candidates with learning disabilities of 40 per cent or more. However, out of 110 students selected under the disability quota in the NEET exam this year, the Directorate of Medical Education, Mumbai, declared eight students with learning disabilities ineligible based on the recent MCI guidelines.

The eye expert of this committee warns that those with colour blindness should be aware of the severity of their deficiency and the kind of problems it may pose in the career they have chosen. I believe it is unethical to screen them but offer no guidance. Last year, in a historic decision, the SC said that those with colour blindness should not be discouraged from taking the MBBS exam. In 2017, my colleagues at UCMS published a detailed paper on how the colour blind can

practise medicine safely. Sadly, they were not involved by the MCI in their committee but the apex court took note of their work.

I have locomotor disability but the MCI guidelines bar candidates with over 80 per cent of such disabilities to pursue medical education under the disability quota. The MCI itself has awarded their highest honour, the Dr BC Roy award, to Dr Suresh Advani. The President of India awarded him the Padma Shri and the Padma Bhushan. Advani is a hernato-oncologist but also a wheelchair user with disability above 80 per cent. As per the MCI's own guidelines (both new and old), he is not "competent" enough to be a doctor.

Policymakers and doctors without the lived experience of having a disability must not assume and declare what we can and cannot achieve. The MCI committee, the assessment committee of the health ministry and the job identification committee of the social justice ministry must re-evaluate their guidelines and reconstitute their committees with the inclusion of doctors with disabilities.

*The writer teaches at University College of Medical Sciences, Delhi, and is a disability rights activist. Views are personal*



ITEM NO.60+65

COURT NO.8

SECTION X

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

Writ Petition(s)(Civil) No(s). 669/2018

PURSWANI ASHUTOSH (MINOR) THROUGH DR. KAMLESH VIRUMAL PURSWANI  
 Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

with

SLP(C ) No. 25875/2017  
 (Intervention/Impleadment)

Date : 10-08-2018 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA  
 HON'BLE KUMARI JUSTICE INDIRA BANERJEE

For Petitioner(s) Mr. Prashant Bhushan, Adv.  
 Mr. Govind Jee, Adv.  
 Mr. Krishna Kumar Singh, AOR

Mr. S.K. Rungta, Sr. Adv.  
 Mr. Harshad V. Hameed, AOR  
 Mr. Dileep Poolakkot, Adv.  
 Mrs. Ashly Harshad, Adv.  
 Mr. Muhammed Siddick, Adv.

For Respondent(s) Mr. Tara Chandra Sharma, AOR  
 Ms. Neelam Sharma, Adv.  
 Ms. Pankhuri Shrivastava, Adv.  
 Mr. Rajeev Sharma, Adv.

Mr. Vikramjit Banerjee, ASG  
 Dr. Nishesh Sharma, Adv.  
 Mr. D.N. Goburdhun, Adv.  
 Mr. Shubhendu Anand, Adv.  
 Ms. Anil Katiyar, Adv.  
 Mr. Gurmeet Singh Makker, AOR  
 Mr. Raj Bahadur, Adv.

Mr. Vikas Singh, Sr. Adv.  
 Mr. Gaurav Sharma, AOR  
 Mr. Prateek Bhatia, Adv.  
 Mr. Abhishek, Adv.  
 Mr. Dhawal Mohan, Adv.

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 Date: 2018.08.14  
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 Reason:

Ms. Hemantika Wahi, AOR  
Ms. Vishakha, Adv.

Mr. G. Prakash, AOR  
Mr. Jishnu M.L., Adv.  
Mrs. priyanka Prakash, Adv.  
Mrs. Beena Prakash, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

The petitioners are persons of disabled category. *Prima facie* it appears that they qualify as per the Disabilities Act as a disabled person to seek the benefit. Even as per the MCI Regulations framed in the year, 2018, they are entitled to be admitted in the MBBS Course under disabled category. However, MCI has constituted a Committee of nine experts which included the experts of various fields. The Committee has submitted a report to the Government of India indicating the categories of disabilities suitable for the admission in the MBBS Course; due to that the petitioners have not been found eligible for admission to MBBS Course. However, the report of Committee, as conceded at Bar, is pending consideration before the Central Government. In our opinion, it is an urgent matter and relates to on-going admissions, Government has to consider the report of the MCI as expeditiously as possible and to decide whether the Central Government is inclined to go by the schedule that has been incorporated in the Act and whether it intends to accept the report of the Committee formed by the MCI or not.

It is open to stakeholders for disabled categories  
including the petitioners to submit a representation to Central  
Government.

Let call be taken expeditiously as the persons with disabilities may suffer due to lapse of time. As such let the Central Government decide this issue within ten days from today and its decision be informed to this court on the next date of hearing.

List on 21<sup>st</sup> August, 2018.

(NEELAN GULATI)  
COURT MASTER (SN)

(JAGDISH CHANDER)  
BRANCH OFFICER