

Kabir Paharia
v.
National Medical Commission and Others

(Civil Appeal No. 5836 of 2025)

02 May 2025

[Vikram Nath and Sandeep Mehta,* JJ.]

Issue for Consideration

Whether the denial of admission to the appellant in the MBBS UG course under Scheduled Castes PwBD quota was grossly illegal, arbitrary and violative of the appellant's fundamental rights as guaranteed u/Arts.14 and 16 of the Constitution of India.

Headnotes[†]

Education – Admission – MBBS UG course – Person with benchmark disabilities – The appellant being a person with benchmark disabilities (PwBD) belongs to the reserved category of Scheduled Caste was denied admission to the MBBS UG course despite standing high in merit in his category owing to his disability – Writ Petition – The High Court relying on the report submitted by the Medical Board concluded that the appellant was ineligible to pursue the medical courses – Correctness:

Held: This Court directed to constitute a fresh Medical Board – Appellant was subjected to extensive review assessment by the Medical Board – The report of the Board makes it amply clear that the appellant successfully demonstrated skilled techniques in the simulation laboratory including chest compressions, intravenous cannulation, assembly of a laryngoscope, intubation and suturing – The Medical Board, in its report, observed that the appellant demonstrated the functional adaptation using his existing digits during these tasks – The only minor challenge, which the appellant faced during the entire procedure, was putting on the sterilized standard gloves – This trivial aberration cannot be a ground to deny admission to the appellant in the MBBS UG course – The denial of admission to the appellant in the MBBS UG course was

* Author

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grossly illegal, arbitrary and violative of the appellant's fundamental rights as guaranteed u/Arts.14 and 16 of the Constitution of India – The constitutional mandate of substantive equality demands that person with disabilities (PwD) and PwBD be afforded reasonable accommodations rather than subjected to exclusionary practices based on unfounded presumptions about their capabilities – Thus, the appellant to be allocated a seat in the MBBS UG course 2025 against the Scheduled Castes PwBD quota in the AIIMS, New Delhi – The impugned order of the High Court is set aside – Rights of Persons with Disabilities Act, 2016 – Constitution of India – Arts.14 and 16. [Paras 6, 7, 9, 12, 17]

Education – Admission – MBBS UG course – Person with benchmark disabilities – Process of revising guidelines – Directions issued:

Held: National Medical Commission directed to forthwith and not later than within a period of two months and at any cost before the counselling for the 2025-2026 session commence, complete the process of revising the guidelines in light of judgments of this Court in *Om Rathod v. Director General of Health Sciences and Anmol v. Union of India & Ors.* [Para 14]

Constitution of India – Arts.14 and 16 – Person with disabilities and Person with benchmark disabilities – Meaningful participation – Reasonable accommodation is not a matter of charity but a fundamental right:

Held: The constitutional promise of equality is not merely formal but substantive, requiring the State to take affirmative measures to ensure that PwD and PwBD can meaningfully participate in all spheres of life, including professional education – This Court emphasizes that reasonable accommodation is not a matter of charity but a fundamental right flowing from Arts.14, 16, and 21 of Constitution – When administrative authorities create arbitrary barriers that exclude qualified PwBD candidates, they not only violate statutory provisions but also perpetuate the historical injustice and stigmatisation – The fundamental rights and the dignity of PwD and PwBD candidates must be protected by ensuring that assessment of their capabilities is individualised, evidence-based, and free from stereotypical assumptions that have no scientific foundation. [Para 15]

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Om Rathod v. Director General of Health Sciences [2024] 10 SCR 2187 : 2024 SCC OnLine SC 4283; *Anmol v. Union of India & Ors.*, 2025 SCC OnLine SC 387 – referred to.

List of Acts

Rights of Persons with Disabilities Act, 2016; Constitution of India.

List of Keywords

Education; Admission; MBBS UG course; Person with benchmark disabilities; Fundamental Rights; Article 14 of Constitution; Article 16 of Constitution; Article 21 of Constitution; Equality; Reasonable accommodation; Exclusionary practices; Stereotypical assumptions.

Case Arising From

CIVIL APPELLATE JURISDICTION: Civil Appeal No. 5836 of 2025

From the Judgment and Order dated 12.11.2024 of the High Court of Delhi at New Delhi in LPA No. 967 of 2024

Appearances for Parties

Advs. for the Appellant:

Gaurav Agarwal, Sr. Adv., Talha Abdul Rahman, Rahul Bajaj, Taha Bin Tasneem, Amar Jain, M Shaz Khan.

Advs. for the Respondents:

Ms. Archana Pathak Dave, A.S.G., Piyush Beriwal, Sudarshan Lamba, Praneet Pranav, Aaditya Dixit, Aditya Manubarwala, Prateek Bhatia, Dhawal Mohan, Paranjay Tripathi, Rajesh Raj.

Judgment / Order of the Supreme Court**Order**

Mehta, J.

1. Heard.
2. Leave granted.
3. The appellant being a person with benchmark disabilities (for short 'PwBD') belongs to the reserved category of Scheduled Caste and

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aspires for admission to the MBBS UG (Bachelor of Medicine and Bachelor of Surgery) course. Having been denied admission to the MBBS course, despite standing high in merit in his category i.e., Scheduled Castes-PwBD quota, the appellant approached the High Court of Delhi at New Delhi¹ by filing a Writ Petition (C) No. 12165 of 2024, which came to be rejected *vide* order dated 10th September, 2024. The Letters Patent Appeal No. 967 of 2024, preferred by the appellant, also stands rejected by the Division Bench of the High Court *vide* order dated 12th November, 2024, which is assailed in this appeal by special leave.

4. The facts in brief, essential for disposal of the present matter, can be gathered from the detailed order dated 2nd April, 2025 passed by this Court, which is reproduced hereinbelow: -

“2. The petitioner passed Secondary School Examination/ Class Xth in 2022 with 91.5% marks and class XIIth exams with 90% marks. He appeared for the National Eligibility-cum-Entrance Test (for short “NEET”) UG 2024 Examinations in the category of SC/PwBD candidate. The deformities suffered by the petitioner in his body are as below:-

“congenital absence of multiple fingers in both hands as well as involvement of left foot (2nd and 3rd toe), the extent whereof has been assessed at 42%.”

3. Despite the structural disadvantages referred to above, the petitioner performed exceedingly well in the examination scoring 542 marks and secured a category rank of 176. It may be stated that the cut-off marks for these subcategories were 143-127. Having made the cut-off for the SC/PwBD category with flying colours, the petitioner staked his rightful claim for the next stage which requires the issuance of a Certificate of Disability for NEET Admissions (“NEET Disability Certificate”) by a designated ‘Disability Certification Centre’. Accordingly, the petitioner approached the Vardhman Mahavir Medical

1 Hereinafter referred to as ‘High Court.’

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College-Safdarjung Hospital, New Delhi (for short “VMMC-SJ Hospital”) for medical assessment. Even though, the VMMC-SJ Hospital assessed the petitioner’s disability at 68%, it concluded that under the NMC/MCI guidelines, the petitioner was not entitled to pursue the medical courses. The conclusions drawn by the certifying body in the certificate dated 19th August, 2024, are reproduced below for ready reference:-

“Conclusion: Based on quantification of disability
The candidate is not eligible to pursue medical
courses (as per NMC norms).

Remark: BILATERAL UPEER (sic) LIMB
INVOLVEMENT

The Disability Certification Board certifies that
the candidate is not eligible for admission in
Medical/Dental courses and to avail 5% PwD
reservation as per the NMC/MCI Gazette
Notification.”

4. Aggrieved by his disqualification from admission in the MBBS course on the ground of benchmark disabilities, despite standing high in merit, the petitioner approached the High Court of Delhi by filing Writ Petition (Civil) No. 12165 of 2024.

5. The learned Single Bench of the High Court directed the All-India Institute of Medical Sciences, New Delhi to constitute a Board of three experts to reassess the petitioner’s disabilities and to give an opinion as to whether the petitioner would be able to pursue medical courses and perform as a Doctor. In compliance, the petitioner was subjected to reassessment by the Medical Board constituted at AIIMS, New Delhi and the report was submitted to the learned Single Judge, who upon perusal thereof, concluded that the petitioner was ineligible to pursue medical courses. Accordingly, the writ petition was dismissed *vide* order dated 10th September, 2024.

6. The petitioner assailed the decision of the learned Single Judge by filing Letters Patent Appeal No. 967 of 2024.

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The Division Bench of the High Court of Delhi passed an order dated 27th September, 2024, and directed a fresh evaluation of the petitioner's disabilities by a newly constituted medical Board. The three-member medical Board constituted at the AIIMS reiterated the conclusions of the earlier Medical Board and again declared the petitioner ineligible to pursue the medical courses as per the prevailing NMC norms. Upon receiving the report, the learned Division Bench of the Delhi High Court *vide* impugned judgment dated 12th November, 2024, endorsed the view of the board and dismissed the Letters Patent Appeal preferred by the petitioner. The said judgment is subject matter of challenge in this petition.

7. Mr. Rahul Bajaj, learned counsel representing the petitioner, contended that the impugned judgment and the decisions of both the medical Boards are inherently flawed inasmuch as neither the medical authorities nor the High Court duly adverted to the crucial concepts of assistive devices and reasonable accommodation to which the petitioner is entitled, under the Rights of Persons with Disabilities Act, 2016 (for short 'Act of 2016'). The vital factors, i.e., the academic excellence of the petitioner, his performance in the NEET examination, the high placement in merit, were totally glossed over while denying relief to the petitioner. Shri Bajaj relied upon the judgments of this Court in ***Om Rathod v. Director General of Health Sciences, 2024 SCC OnLine SC 4283*** and ***Anmol v. Union of India & Ors. 2025 SCC OnLine SC 387***, to urge that the salutary principles provided under Article 41 of the Constitution of India read with the Act of 2016 clearly entitle the petitioner to seek medical education as both these judgments expressly recognize the concepts of assistive devices and reasonable accommodation. By availing these moderations as provided under the decisions of this Court, the petitioner would be well equipped to perform his duties as a Doctor.

8. Learned counsel submitted that in the case of ***Om Rathod (supra)***, despite the fact that the candidate was not having both hands, he was held entitled to undergo

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the MBBS course pursuant to an assessment made by Dr. Satendra Singh, a specialist in the field.

9. Learned counsel submitted that Dr. Satendra Singh, while undertaking the functional assessment of the candidate Shri Om Rathod posed four questions for assessing his ability to undergo MBBS course and concluded that all the questions had to be answered in negative. The relevant excerpt from **Om Rathod's** judgment is quoted below: -

“11. Dr Satendra Singh submitted his report on 20 October 2024. This Court duly furnished the report to the second respondent, National Medical Council, on 21 October 2024 to enable them to formulate their response. The report by Dr Satendra Singh outlined the functional disability of the appellant to be an inability to stand independently which may prove limiting in clinical rotations in surgical settings. The report suggested solutions to enable the appellant in such cases. The report further suggested clinical accommodations for the appellant to reduce the barriers he may encounter. The report determined the accommodations necessary for the appellant to be reasonable and in compliance with existing norms. The report formulated four questions and answered them as follows:

“a) Would the proposed accommodation result in a failure to meet the NMC CBME's inherent requirements? Not in my opinion

b) Would the accommodation legitimately jeopardize patient safety? Not in my opinion

c) Would the proposed accommodation result in the improper waiver of a core requirement of the CBME? Not in my opinion

d) Would the proposed accommodation pose an undue hardship on the medical college (budgets wise)? Not in my opinion”

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10. In his report, Dr. Satendra Singh quoted that the father of Neurosurgery Harvey Cushing emphasized way back in 1912 that motor skills are often the least important part of the work.

11. Learned counsel submitted that the petitioner in the case of **Anmol** (*supra*) was suffering from locomotor disability assessed at 50% with club foot right lower limb and Phocomelia (a congenital defect which causes severe limb shortening or loss of long bones), in left middle ring finger through middle phalanx with right middle index finger through middle phalanx. The candidate also suffered from speech and language disability assessed at 20%.

12. Mr. Bajaj contended that the petitioner herein is having much better physical/locomotor attributes and is well equipped as compared to the two candidates in the cases of **Anmol** (*supra*) and **Om Rathod** (*supra*). He also scored much higher marks than these candidates in NEET (UG) examination 2024-2025. Anmol had obtained rank 2462 in the PwD category, whereas the petitioner herein secured 176 rank and thus, he is much better placed than the candidates in the above-referred cases.

13. He submitted that the assessment made by the medical Board of the petitioner's capability to take the medical degree course and his disqualification on the anvil of NMC norms is illegal and unsustainable in view of the law laid down by this Court in the judgments referred to *supra*.

14. He, therefore, urged that a direction deserves to be issued to have a reassessment done of the petitioner through Dr. Satyendra Singh on the *ratio* of the above referred judgments and to mandate the respondents to grant admission and accommodate the petitioner in the MBBS (UG) Course 2024-2025.

15. Relying upon the order dated 17th April, 2023, passed in the case of **Vibhushita Sharma v. Union of India**, Writ Petition (Civil) No.793 of 2022, learned counsel submitted that in case, this Court is not inclined to grant admission to the petitioner in the 2024-2025 MBBS Degree course, a

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suitable direction deserves to be issued to the respondents to admit the petitioner in the academic session 2025-2026 treating him to be NEET (UG) qualified.

16. *Per contra*, learned counsel representing the Union of India and National Medical Commission urged that the Commission is under the process of revising its guidelines in compliance with the judgments in the cases of ***Om Rathod*** (*supra*) and ***Anmol*** (*supra*). Three meetings have already taken place, and the process is expected to be finalised before counselling for the next academic session commences. They thus, urged that the petitioner will not be prejudiced, if the consideration of this matter is deferred till the new guidelines are put in place.

17. We have given our thoughtful consideration to the submissions advanced at bar and have gone through the material placed on record.

18. *Prima facie*, we find substance in the submission of the learned counsel representing the respondents that the process for revising the guidelines in terms of this Court's decisions (*supra*) is underway and a final outcome is expected before the counselling session for MBBS (UG) 2025-2026 commences. However, we are not inclined to defer the proceedings at this stage.

19. Denying relief to the petitioner on this premise would be totally unjustified in view of the ratio of this Court's judgments in ***Om Rathod*** (*supra*) and ***Anmol*** (*supra*). Merely because the NMC is under the process of revising the guidelines, the petitioner's fate cannot be allowed to hang in a limbo in spite of the fact that he has performed exceedingly well in the NEET (UG) 2024 examination and stood high in the merit in his category.

20. In view of the above, we hereby direct that a fresh Medical Board shall be constituted at the All-India Institute of Medical Sciences, New Delhi comprising of five Doctors/specialists. One of the Board members shall be a specialist in locomotor disabilities and one member shall be a Neuro-Physician.

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21. The petitioner shall be intimated a suitable date for assessment by the Board within the next seven days. He shall appear before the Board on the appointed date whereupon the Board shall undertake a fresh assessment of the petitioner’s disabilities with due deference to the ratio of this Court’s judgments in **Om Rathod** (*supra*) and **Anmol** (*supra*). The Board’s report shall be forwarded to this Court in a sealed cover on or before 15th April, 2025.”

5. Pursuant to the aforesaid direction, the appellant was subjected to extensive review assessment by a Medical Board constituted at the All-India Institute of Medical Sciences, New Delhi (for short ‘AIIMS, New Delhi’). The report dated 24th April, 2025 has been forwarded by the Medical Board, which is reproduced hereinbelow for the sake of convenience: -

“Subject: Report of the medical board constituted at AIIMS for medical examination of petitioner Sh. Kabir Paharia in compliance of order dated 02.04.2025, Hon’ble Supreme Court of India, New Delhi (Section-XIV)vide Special Leave Petition (Civil) No. 29275 of 2024 titled Kabir Paharia Versus National Medical Commission & Others.

With reference to the aforementioned subject, the Medical Superintendent, AIIMS, New Delhi constituted a Medical Board consisting of the following members:-

- | | | |
|--|---|--------------------|
| 1. Dr. S.L. Yadav
Professor, Deptt. of P.M.R | - | Chairperson |
| 2. Dr. Suman Jain
Professor, Deptt. of Physiology | - | Member |
| 3. Dr. Divya M.R.
Assoc. Professor, Deptt. of Neurology | - | Member |
| 4. Dr. Arun Kumar Choudhary
Asstt. Professor, Deptt. of PMR | - | Member |
| 5. Dr. Sahil Batra
Asstt. Professor, Deptt. of Orthopaedics | - | Member |
| 6. Dr. Veeranna B.
Department of Hospital Administration | - | Member Secy. |

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The meeting of the Medical Board was held on 16.04.2024 (Wednesday) at 11:00 A.M. in the Seminar Room, Room No. 01, Ground floor, PMR OPD, Department of PMR, AIIMS, New Delhi. The available reports, earlier disability certificates and medical documents were reviewed. The petitioner Sh. Kabir Paharia was present and was examined by the members of the Medical Board. The second board meeting was held on 22nd April 2025 at 11:00 AM in the SET facility convergence block, AIIMS, New Delhi.

Mr. Kabir Paharia underwent a comprehensive neurological examination as part of the Medical Board assessment. It was observed that Mr. Kabir has a significant absence of multiple digits in both hands (specifically, the index and middle fingers on the right hand, and the index, middle, and ring fingers on the left hand) as well as in the left foot (notably, the second and third toes), which is attributed to a birth complication as documented in the available medical records. His condition is deemed non-progressive, and the locomotor disability is classified as permanent. The neurological examination showed normal strength in the existing limbs and digits, with intact sensations and good coordination of the existing limbs and digits.

He was asked to demonstrate various skilled techniques in the simulation laboratory, including chest compressions, intravenous cannulation, assembly of a laryngoscope, intubation, and suturing, all of which he executed satisfactorily. He demonstrated functional adaptation using his existing digits during these tasks. However, the board observed that he faced minor challenges while attempting to put on the sterilized standard gloves. He had slight coordination problems and delays caused by the lack of fingers and empty finger slots in the gloves. An evaluation by an occupational therapist validated his independence in activities of daily living (ADLs)."

6. A careful perusal of the above report makes it amply clear that the appellants successfully demonstrated skilled techniques in the simulation laboratory including chest compressions, intravenous cannulation, assembly of a laryngoscope, intubation and suturing. The

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Medical Board, in its report, observed that the appellant demonstrated the functional adaptation using his existing digits during these tasks. The only minor challenge, which the appellant faced during the entire procedure, was putting on the sterilized standard gloves.

7. We feel that the mindset must change and this trivial aberration, by no stretch of imagination, can be a ground to deny admission to the appellant in the MBBS UG course, when he is otherwise qualified and scored exceeding high rank in the NEET-UG 2024.
8. As per the result of NEET-UG 2024, the appellant secured an All-India Rank of 147946. His Scheduled Caste category rank was 7252, and his PwBD category rank was 176. The appellant has also submitted details of the provisional NEET-UG 2024 counselling seat allotment (Round 1), according to which a candidate with Roll No. 14491, who ranked 159816, was allocated a seat at AIIMS, New Delhi under the Scheduled Castes PwBD category. Apparently thus, a candidate who stood much below the appellant in merit has been admitted against the reserved seat at the AIIMS, New Delhi to which the appellant had a valid claim.
9. Manifestly, in view of the observations made by us in the order dated 2nd April, 2025 and the consequent successful assessment of the appellant by the Medical Board, AIIMS, New Delhi *vide* report dated 24th April, 2025, the denial of admission to the appellant in the MBBS UG course was grossly illegal, arbitrary and violative of the appellant's fundamental rights as guaranteed under Articles 14 and 16 of the Constitution of India. Such action not only reflects institutional bias and systemic discrimination but also undermines the principles of equal opportunity and non-discrimination enshrined in our constitutional framework. The constitutional mandate of substantive equality demands that person with disabilities (for short 'PwD') and PwBD be afforded reasonable accommodations rather than subjected to exclusionary practices based on unfounded presumptions about their capabilities.
10. On the previous date of hearing, we had sought a response from the learned counsel representing the respondents regarding the appellant's submission that the candidate who secured a rank lower than the appellant had been granted admission against the Scheduled Castes PwBD quota in the MBBS UG course at AIIMS, New Delhi, for the academic year 2024–2025.

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11. Today, during the course of hearing, Ms. Archana Pathak Dave, learned ASG, on instructions, fairly affirms this assertion of the appellant. She further states that as the appellant has been successfully assessed by the Medical Board constituted at AIIMS, New Delhi, he can be afforded admission in MBBS UG course against the Scheduled Castes PwBD quota in the AIIMS, New Delhi in the forthcoming counselling session of 2025-2026.
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.
13. In backdrop of the factual matrix narrated *supra* and the comparative higher merit secured by the appellant in the NEET-UG 2024 examination, we make it clear that the appellant shall not be required to undergo the NEET-UG 2025 examination.
14. We further direct that the National Medical Commission shall forthwith and not later than within a period of two months from today and at any cost before the counselling for the 2025-2026 session commence, complete the process of revising the guidelines in light of judgments of this Court in ***Om Rathod v. Director General of Health Sciences***² and ***Anmol v. Union of India & Ors.***³ so that no deserving candidate in the PwBD category is denied admission into the MBBS course in spite of his/her/their entitlement. It must be ensured that systemic discrimination against persons with benchmark disabilities, whether direct or indirect, is eliminated and that the admission process upholds their right to equal opportunity and dignity.
15. The constitutional promise of equality is not merely formal but substantive, requiring the State to take affirmative measures to ensure that PwD and PwBD can meaningfully participate in all spheres of life, including professional education. We emphasize that reasonable accommodation is not a matter of charity but a fundamental right flowing from Articles 14, 16, and 21 of our Constitution. When

2 2024 SCC OnLine SC 4283.

3 2025 SCC OnLine SC 387.

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administrative authorities create arbitrary barriers that exclude qualified PwBD candidates, they not only violate statutory provisions but also perpetuate the historical injustice and stigmatisation. The fundamental rights and the dignity of PwD and PwBD candidates must be protected by ensuring that assessment of their capabilities is individualised, evidence-based, and free from stereotypical assumptions that have no scientific foundation.

16. Before parting, we express our wholehearted appreciation for Mr. Rahul Bajaj and Mr. Amar Jain, learned counsel, both persons with benchmark disability (zero vision), for the excellent assistance provided by them during the course of hearing of the present matter. We also express our sincere appreciation to Mr. Gaurav Agarwal, learned senior counsel, for his pro bono services and Ms. Archana Pathak Dave, learned ASG, for her pragmatic approach in the matter.
17. The impugned order dated 12th November, 2024, passed by the High Court of Delhi in Letters Patent Appeal No. 967 of 2024 is set aside.
18. Consequently, the present appeal is allowed in these terms. No order as to costs.
19. Pending application(s), if any, shall stand disposed of.

Result of the case: Appeal allowed.

[†]Headnotes prepared by: Ankit Gyan