

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION(CIVIL) NO 793 of 2022

Vibhushita Sharma

... Petitioner

versus

Union Of India & Ors.

... Respondents

ORDER

- 1 The petitioner has been denied admission to the MBBS Degree course on the ground that she has a speech and language impairment of 55%.
- 2 By an order dated 10 February 2023, this Court observed that before embarking upon the legal issue involved, it would be appropriate to examine whether a solution can be found for the petitioner in a manner which would subserve the interest of justice.
- 3 By the interim order, this Court directed that the petitioner may be examined by the Medical Board at PGI, Chandigarh to assess her fitness to pursue the MBBS degree course.
- 4 The report which has been submitted by the Medical Board indicates that the petitioner is in a position to pursue the MBBS Degree course. Before arriving at this conclusion, the Medical Board has carried out a thorough assessment of the medical condition of the petitioner.
- 6 In the above backdrop, in exercise of the jurisdiction of this Court under Article

142 of the Constitution of India, we direct that the petitioner shall be admitted to the Kalpana Chawla Medical College for which she was initially granted admission for academic year 2023-2024 in the session which shall commence from August 2023. The petitioner will commence her course of studies for the first year of the MBBS Degree Course. The admission of the petitioner shall be under the quota earmarked for persons with disabilities under the Rights of Persons with Disabilities Act 2016. The petitioner suffers from a benchmark disability.

- 7 Since the dispute has been resolved without the Court being required to enquire into the issues of law involved, we clarify that all issues of law are kept open to be adjudicated upon in an appropriate case.
- 8 The writ petition is, accordingly, disposed of, in the above terms. All authorities shall act on the basis of this order.
- 9 Pending application(s), if any, stand disposed of.

.....CJI.
[Dr Dhananjaya Y Chandrachud]

.....J.
[Pamidighantam Sri Narasimha]

.....J.
[J B Pardiwala]

New Delhi;
April 17, 2023
GKA

ITEM NO.33

COURT NO.1

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(Civil) No. 793/2022

VIBHUSHITA SHARMA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(FOR ADMISSION and IA No.137930/2022-EX-PARTE AD-INTERIM RELIEF IA No. 195602/2022 - CLARIFICATION/DIRECTION IA No. 137930/2022 - EX-PARTE AD-INTERIM RELIEF)

Date : 17-04-2023 These matters were called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE J.B. PARDIWALA

For Petitioner(s) Mr. Gaurav Agrawal, Adv.
Mr. Avneesh Arputham, AOR
Ms. Anuradha Arputham, Adv.

For Respondent(s) Ms. Aishwarya Bhati, ASG
Mr. Durga Dutt, Adv.
Mr. T.s.sabarish, Adv.
Mr. Raghav Sharma, Adv.
Mr. B.k.satija, Adv.
Mr. Amrish Kumar, AOR

Mr. Gaurav Sharma, AOR
Mr. Dhawal Mohan, Adv.
Mr. Prateek Bhatia, Adv.
Mr. Paranjay Thripathi, Adv.

Mr. Brijesh Kumar, Adv.
Dr. Monika Gusain, AOR

Mr. Robin Khokhar, AOR
Mr. Sahil Amarnath Garg, Adv.
Mr. Vikrant Y S Narula, Adv.
Mr. Honey Gola, Adv.

**Mr. Shourya Godara, Adv.
Mr. Naman Gupta, Adv.
Dr. Sanjeev Chauhan, Adv.**

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

- 1 The writ petition is disposed of in terms of the signed order. Operative part of the signed order reads as under :

- “6 In the above backdrop, in exercise of the jurisdiction of this Court under Article 142 of the Constitution of India, we direct that the petitioner shall be admitted to the Kalpana Chawla Medical College for which she was initially granted admission for academic year 2023-2024 in the session which shall commence from August 2023. The petitioner will commence her course of studies for the first year of the MBBS Degree Course. The admission of the petitioner shall be under the quota earmarked for persons with disabilities under the Rights of Persons with Disabilities Act 2016. The petitioner suffers from a benchmark disability.
- 7 Since the dispute has been resolved without the Court being required to enquire into the issues of law involved, we clarify that all issues of law are kept open to be adjudicated upon in an appropriate case.
- 8 The writ petition is, accordingly, disposed of, in the above terms. All authorities shall act on the basis of this order.
- 9 Pending application(s), if any, stand disposed of. “

**(GULSHAN KUMAR ARORA)
AR-CUM-PS**

**(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR**

(Signed order is placed on the file)