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W.M.P.No.4016 of 2022

W.M.P.No.4016 of 2022

in

W.P.No.922 of 2022

M.DHANDAPANI,J.

Today, when the matter is taken up for hearing, the learned counsel for the petitioner submitted that the present Miscellaneous Petition is being preferred by the petitioner is for modifying the direction against the National Medical Commission contained at Paragraph 8 of the order dated 27.01.2022 passed in W.P.No.922 of 2022 wherein it has been directed that till the said process is completed, the 4th respondent is directed to keep one seat vacant. Hence, this Court may direct the registry to carry out the necessary corrections in the order copy and re-issue fresh order copy.

2. Satisfied with the above submissions made by the learned counsel for the petitioner para no.8 of the order to be read as follows:

“8. Facts in the present case are not in dispute. A perusal of the above proviso makes it clear that, candidates with visual impairment equal to or more than 40% disability are eligible to pursue MBBS course subject to the condition that the visual disability is brought to a level of less than the benchmark of 40% with advanced low vision aids. However, without considering the said proviso, declaring the petitioner



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*as a non-eligible candidate is not sustainable. Hence, this Court without any hesitation, sets aside the Disability Certificate dated 05.01.2022 issued to the petitioner and the matter is remanded to the 3rd respondent for fresh consideration of the petitioner's case by applying the above said proviso, thereby allowing the petitioner to use advanced low vision aids. Thereafter, if the petitioner is able to bring her disability less than the bench mark, she may be permitted to pursue the course applied by her. The said exercise shall be completed by the 3rd respondent within a period of one week from the date of receipt of a copy of this order. Till the said process is completed, the 3rd **respondent** is directed to keep one seat vacant."*

3. Registry is directed to carry out the necessary correction in the order dated 27.01.2022 and issue a fresh copy of the order to the learned counsel for the parties.

4. This Miscellaneous Petition is ordered as aforesaid.

02.03.2022

anu/psa

Note: Issue order copy today (i.e) 02.03.2022



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