



THE J&K BOARD OF PROFESSIONAL ENTRANCE EXAMINATIONS (BOPEE)

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Subject: Cancellation of Provisional admission of Mr. Sharooz Aslam Khan S/O Shri Mohd. Aslam Khan R/O Village Dharghoon, Tehsil Balakote District Poonch, provisionally selected under the PwD category in Government Medical College Jammu during the Special Stray Vacancy Round.

- Reference: (i) Notification No. 057-BOPEE of 2023 dated 11.08.2023.
(ii) Notification No. 090-BOPEE of 2023 dated 08.10.2023.
(iii) Order dated: 13.10.2023, passed by the Hon'ble High Court of Jammu and Kashmir at Jammu, in WP(C) No. 2576/2023 titled Sharooz Aslam Khan vs. Chairman J&K Board of Professional Entrance Examinations, J&K Jammu and others.
(iv) Notification No. 116-BOPEE of 2023 dated 13.11.2023.
(v) Jammu Medical College, letter No. GMCJ/UG/4177 dated 21.11.2023.

Notification No: 140-JKBOPEE of 2023

Dated: 20-12-2023.

Whereas, consequent upon the selection of the candidates for NEET-UG (MBBS) course for the academic year 2023, amongst others, the candidates with the below given particulars were provisionally selected under the category of *Persons with Disability* (PwD) in the Government Medical College, Jammu vide Notification No. 057-BOPEE of 2023 dated 11.08.2023.

S.No.	Name of the Candidate	NEET Roll No.	UT Rank	Category
1.	Afsana Mehboob	2501130335	3630	PwD/ ST
2.	Agrima Jamwal	2501180219	2168	PwD/OM
3.	Ubaid Ahmad Malik	2507030158	2743	PwD/ RBA
4.	Raja Naveed-Ul-Hassan	2501060044	3255	PwD /ALC/IB

Whereas, afore-mentioned Notification No.057-BOPEE of 2023, dated 11.08.2023, inter-alia stipulated as under:

- *That it shall be sole responsibility of the College concerned to ensure proper check and verification of documents before the candidate(s) is allowed for admission strictly as per NMC (MCI)/DCI guidelines.*
- *That the Heads of the Colleges shall furnish the short fall, if any, to the J&K BOPEE on 14-11-2023 upto 05:00 p.m. positively.*
- *That the admission of the candidates is purely provisional and in case any information furnished by any candidate proves to be false/ fabricated, and action as warranted under law shall be initiated against such candidates.*
- *That if any candidate(s) is found to have concealed any information, his/her selection/admission shall be cancelled ab-initio and fine/penalty shall also be imposed upon him/her as may be deemed proper by the Board in accordance with the laid down rules.*

- *That it is implored upon the management of the concerned Colleges to ensure the veracity of documents, particularly the Category Certificates wherever the admission is to be granted in lieu of a Reserved Category. So far as the Persons with Disability are concerned, if selected under Open Merit or against a Reserved Category, it shall be ensured that his/her PwD Certificate/eligibility is in conformity with Rights of Persons with Disabilities Act, 2016 and wherever required shall refer the matter to the concerned Medical Board i.e. Government Medical College Jammu/Srinagar to assess the disability of such candidate(s) and make recommendations that the candidates, if any, does not fulfill benchmarks of eligibility, he/she shall not be admitted to the course/college and the matter shall be reported to the Board for further course of action;*

Whereas, accordingly, in pursuance of the above said notification, Medical Board was constituted by the Medical College, Jammu to verify the disability certificates of the above mentioned candidates;

Whereas, after due verification, the constituted Board submitted its report vide No. GMCJ/UG/2269 dated 30.08.2023 and in light of the same, the authorities at GMC, Jammu communicated the specific recommendations regarding admission of the four candidates belonging to the PwD category, vide letter No. GMCJ/UG/2414 dated 18.09.2023 as under:

- I. **Miss Afsana Mehboob**: *The Medical Board examined the candidate and gave their opinion vide No. Ortho/Org/23/304 dated 29.08.2023 which is reproduced as under:*

“The certificate issued by the Chief Medical Officer, Poonch vide No.JK0810620040198880 dated 14.02.2023 certified that she has temporary disability. The Board is also of the opinion that the candidate has temporary disability of the left knee cap which can be rectified by surgery in any government sector Hospital. The candidate has been counselled by the Board Members to get the temporary disability corrected and live a life free of disability.”

Hence, it is recommended that she cannot be given benefit under PwD category.

- II. **Miss Agrima Jamwal**: *The Medical Board examined the candidates and gave their opinion vide their opinion No. Ortho/Org/23/303 dated 29.08.2023 which is reproduced as under:*

“..the disability as per the certificate issued by CMP Jammu is authentic and this disability mentioned in the certificate No.JK2110620050126536 is genuine.”

Hence it is recommended that she can be admitted under PwD category and her provisional admission will be accepted.

- III. **Mr. Ubaid Ahmad Malik**: *The Medical Board examined the candidate and gave their opinion vide No. Opth/23/541 dated 19.08.2023 which is reproduced as under:*

“..It is to certify that Ubaid Ahmad Malik S/o Mohammed Sadiq Malik R/o Vilgam, Cheerkotte, Kupwara was examined on 19th August,2023. On examination, it is found that he is suffering from bilateral high myopia with nystagmus. His right eye, best corrected visual acuity is 6/60 and left eye is 6/24. He is a case of low vision with permanent disability of 40% (forty percent).”

However, as per Appendix H-1 of the NMC published in the Gazette of India-Extraordinary w.r.t Guidelines regarding admission of student with “specified Disability” under the Right of Persons with Disability Act, 2016 with respect to admission in MBBS course and circular issued by NMC guidelines Under Graduate Medical Education Regulations 2023, dated 12.06.2023, “Persons with visual impairment/visual disability of more than 40% may be made eligible to pursue MBBS course and may be given reservation, subject to the condition that the visual disability is brought to a level of less than the benchmark of 40% with advance low vision aids such as telescopes/magnifier etc.”

Hence, it is informed that he will be provisionally admitted into this Institute.

- IV. **Shri Raja Naveed-ul-Hassan:** *The Medical Board examined the candidate and gave their opinion vide No. Ortho/Org/23/305 dated 29.08.20023 which is reproduced as under:*

“...the certificate issued by CMO Poonch vide No.JK0510620020218780, dated 15.09.2022 is totally fake and fraudulent. The disability mentioned is 50% whereas the candidate has no disability at all. As per X-Ray dated 21.08.2023 by the Department of Radiology, there is no bony abnormality. Hence on clinic-radiological correlation the candidate has no disability.”

Hence, it is recommended that he cannot be given benefit under PwD category.

Whereas, in view of the above quoted recommendations regarding the candidates namely Miss. Afsana Mehboob and Raja Naveed-ul-Hassan that they do not qualify to be admitted into the PwD category, the matter was placed before the competent authority for taking appropriate decision in the matter;

Whereas, as the decision regarding the afore-named candidates was pending before the competent authority, one Sharooz Aslam Khan S/O Mohd Aslam Khan presented a writ petition bearing No. 2576/2023 titled *Sharooz Aslam Khan Vs. Chairman J&K Board of Professional Entrance Examinations, J&K Jammu and others*, before the Hon’ble High Court of Jammu and Kashmir at Jammu, praying inter alia as under:

“.....A) Writ of Mandamus:

- I. ***Commanding the respondent No. 1 to 3 to issue admission letter in favour of petitioner for undergoing MBBS course in GMC Jammu against the vacant seat which was earlier held by Raja Naveed Ul Hasan whose admission stands cancelled and the petitioner being next in merit is fully eligible and entitled to get the admission in the office of respondent No. 04.***
- II. ***Directing the respondents to offer the said seat to petitioner being next in merit in the PWD/ALC category as this seat cannot be allotted to any other category.”***

Whereas, in the meantime, after completion of all the requisite formalities under law, provisional admission of *Miss Afsana Mehboob* and *Mr. Raja-Naveed-Ul-Hassan* to MBBS course-2023 under PwD category was cancelled vide Notification No. 090-BOPEE of 2023 dated 08.10.2023 by the Board;

Whereas, immediately thereafter, the Hon’ble High Court of Jammu and Kashmir at Jammu vide order dated: 13.10.2023, passed in WP(C) No. 2576/2023 titled *Sharooz Aslam Khan vs. Chairman J&K Board of Professional Entrance Examinations, J&K Jammu and others*, was pleased to order (verbatim) as under:

“.....Viewed thus, what has been observed, considered and analyzed hereinabove, a case for grant of indulgence and interim relief is carved out in favour of the petitioner. Accordingly, subject to the objections from the other side, the respondents 1 to 3 are directed to offer the vacant seat in question of MBBS course 2023 to the petitioner earlier allotted to the candidate Raja Naveed-ul-Hassan under PwD category in GMC, Jammu and admit the petitioner to the said course provisionally without any delay at his own risk and responsibility. Further the said admission of the petitioner shall remain subject to the outcome of the writ petition...”

Whereas, at the relevant time, the last date for admission to undergraduate Courses (MBBS etc.) had already expired, however in pursuance of the approval granted by the Hon’ble Supreme Court of India in Diary No. 45004/2023 in WP(C) No. 76/2015 read with MCC Notice No. U-11011/01/2023-MEC dated 31.10.2023, the last date of admission for undergraduate courses and to conduct special stray vacancy round for the vacant MBBS/BDS/BSC Nursing seats of AIQ and State Quota was extended;

Whereas, accordingly, provisional allotment letter was issued in favour of *Mr. Sharooz Aslam Khan* (petitioner in WP(C) No. 2576/2023), Rank 3856 under PwD category for admission to MBBS course-2023 in GMC, Jammu, as he stood next in rank to *Mr. Raja Naveed-Ul-Hassan* in the said category and the same came to be notified vide Notification No. 116-BOPEE of 2023 dated 13.11.2023, laying down specific stipulations as enumerated above;

Whereas, in pursuance of the notification, dated: 13.11.2023, the Principal & Dean, GMC, Jammu constituted two Medical Boards vide Orders issued under Endorsement

No.GMC/23/SMBC/2156, dated 13.11.2023 and GMC/23/SMBC/2162 dated 14.11.2023 to conduct the Medical Examination in respect of two PwD candidates provisionally selected, in terms of the above mentioned notification dated:13.11.2023, in the MBBS Course, 2023 namely:

1. Ms. Wahida Kouser, Rank:3735.
2. Mr. Sharooz Aslam Khan, Rank: 3856. (Petitioner in WP(C) No. 2576/2023)

Whereas, with regard to *Mr. Shahrooz Aslam Khan*, the constituted Medical Board furnished report, which read (verbatim) as under:

.....Mr. Sharooz Aslam Khan, Rank: 3856:

With reference to your letter No.GMC/23/SBMC/2156 dated 13.11.2023 regarding the subject cited above, Mr. Sharooz Aslam Khan S/o Shri Mohammad Aslam Khan was examined in Orthopedic Office of GMC, Jammu on 14.11.2023 at 12.30 p.m. for verifying the findings of disability certificate.

“On clinical and radiological examination, the findings do not match with the disability certificate in possession of Mr. Sharooz Aslam Khan.

The present disability in respect to left arm is 6.6% as worked out by applying principles notified in gazette of India No.61 Annexure-II under heading locomotor disability section “A” guidelines 1.2.1, 1.2.2.”

Whereas, in order to determine the matter conclusively, a further clarification was sought from the Medical College, Jammu and vide letter No. GMCJ/UG/4177 dated 21.11.2023 it was further clarified that:

“The certificate issued by CMO, Poonch vide No.JK0510020040022527 dated 03.06.2022, the disability mentioned is 45% whereas the present disability in respect to left arm is 6.6% as worked by applying principles notified in gazette of India No. 61 Annexure “A” guidelines 1.2.1, 1.2.2.”

*It is further submitted that in reference of the above mentioned facts and in compliance to Appendix H-1 of NMC published in the Gazette of India-extraordinary w.r.t Guidelines regarding admission of students with “specified disability” under the right of persons with disability Act, 2016 with respect to the admission in MBBS course and circular issued by NMC guidelines under Graduate Medical Education Regulations, 2023, dated 12.06.2023, it is hereby concluded that as per the above mentioned observations, that candidate Mr. Sharooz Aslam Khan **do not qualify** to be admitted into PwD category as the benchmark set by the Rights of*

Person with Disability Act, 2016, states that the disability has to be “Permanent Physical Impairment..

Therefore, it is submitted that he does not qualify as a candidate under PwD category..”

Whereas, in view of the Medical examination report furnished by the Principal & Dean, GMC, Jammu in respect of Mr. Sharooz Aslam Khan, Rank 3856, the case regarding the cancellation of his provisional selection in MBBS course, 2023 in Government Medical College, Jammu under ALC/IB/ PwD category was placed before the competent authority for consideration of cancellation and the same was accepted;

Now, therefore, consequent upon the above, the Provisional Selection of Mr. Sharooz Aslam Khan, Rank 3856, figuring at Serial No.17 in **Annexure-A** of the Notification No.116-BOPEE of 2023 dated 13.11.2023 for admission to the MBBS Course, 2023 under ALC/IB/PwD category in the Government Medical College, Jammu is hereby cancelled for lack of requisite qualification/eligibility and shall and shall be deemed to be so *ab-initio*.

E. & O. E

Sd/-

Controller of Examinations,
J&K BOPEE

No. BOPEE/Legal/18/2023(7312538).

Dated. 20-12-2023.

Copy to the:

1. Commissioner/Secretary to the Government, ARI & Trainings Department, J&K Civil Secretariat, Jammu/Srinagar for favour of information.
2. Secretary to the Government, Health & Medical Examination Department J&K Civil Secretariat, Jammu/Srinagar for favour of information.
3. Secretary, J&K BOPEE for information.
4. Principal & Dean, Government Medical College, Jammu for information and necessary action.
5. Assistant Legal Remembrancer, J&K BOPEE for information.
6. Private Secretary to the Chairman, J&K BOPEE for kind information of the Chairman.
7. Concerned candidate (s) for information.
8. IT Section, J&K BOPEE for information and uploading the same on the website.
9. Stock file.