



THE J&K BOARD OF PROFESSIONAL ENTRANCE EXAMINATIONS

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Subject: Provisional Selection of the NEET UG candidates for admission to the MBBS/BDS Courses for the Academic Session 2023-24: Cancellation of provisional admission of Mr. Abrar Ahmed for undergoing MBBS course-2023 under PwD category in the GMC Udhampur thereof.

Reference: (i) Notification No. 045-BOPEE of 2023 dated 27.07.2023,
(ii) Notification No. 057-BOPEE of 2023 dated 11.08.2023
(iii) Communication No. GMC/UDH/2023-2024/1842 dated 13.10.2023
(iv) Communication No. GMC/23/SMBC/1987 dated 09.10.2023.
(v) Communication No. Ortho/Org/23/354 dated 09.10.2023.

Notification No: 111-JKBOPEE of 2023.

Dated: 07-11-2023.

1. **Whereas**, in order to conduct uniform entrance examination for admissions in all medical education institutions for under-graduate and post-graduate levels, the Medical Council of India (MCI), now NMC, in the year 2010, notified a single Entrance Examination for the candidates, namely, the National Eligibility-cum- Entrance Test (NEET) to be conducted by the National Testing Agency (NTA);

2. **Whereas**, vide Public Notice dated 06.03.2023 issued by National Testing Agency, applications were invited from the candidates for appearing in the NEET, which was conducted on 07.05.2023. After declaration of the NEET-UG result by the National Testing Agency (NTA), New Delhi on 30.06.2023, the Ministry of Health and Family Welfare, Government of India provided the result of the candidates belonging to the UT of J&K/Ladakh,

who had appeared in the National Eligibility Entrance Test (NEET) to the JKBOPEE; and

3. **Whereas,** vide Notification No.035-BOPEE of 2023 dated 06.07.2023 JKBOPEE notified the Roll Number-wise list of the candidates of UT of J&K/Ladakh who have appeared in NEET-UG 2023 conducted by the National Testing Agency (NTA); and

4. **Whereas,** JKBOPEE vide Notification No.041-BOPEE of 2023 dated 15.07.2023 notified for the online registration of NEET-UG 2023 candidates belonging to UT of J&K/Ladakh; and

5. **Whereas,** the J&K BOPEE vide Notification No.045-BOPEE of 2023 dated 27.07.2023, issued the Provisional Merit List (PML) of NEET-UG-2023 candidates belonging to UT of J&K and Ladakh and subsequently vide Notification No.048-BOPEE of 2023 dated 31.07.2023 notified the conduct of online counselling of eligible candidates of NEET-UG 2023 for filling up of online preferences and updated rank wise provisional merit list.

6. **Whereas,** vide Notification No. 057-BOPEE of 20023 dated 11.08.2023 JKBOPEE issued the Provisional Selection List of the eligible candidates for UT of J&K/Ladakh for NEET-MBBS/BDS Courses, 2023 and in the said Notification No. 057-BOPEE of 2023 dated 11.08.2023 it was clearly mentioned in Note para 1 and 2:

“1. The admission of the candidates is purely provisional and shall be liable to be cancelled 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.

2. It is hereby implored upon the management of all colleges/ institutions to ensure the veracity of documents, particularly the category certificates wherever the admission is to be granted in lieu of a particular reserved category. So

far as the persons with disability are concerned, if selected in open merit or against a reserved category it shall be ensured that his/ her PwD certificate /eligibility is in conformity with NMC(MCI) /DCI guidelines, regulations framed by the concerned regulatory authority and wherever required shall refer the matter to concerned Medical Board to assess such candidates and make recommendations based on which institution shall take further necessary action. In case any candidate does not fulfill the benchmarks of eligibility as per NMC/DCI guidelines, his/ her admission shall be cancelled on his/ her risk and responsibility under intimation to the Board.”

7. **Whereas**, the candidate namely Abrar Ahmad, Roll No 2501060340 UT rank 3781, PwD(ST) category have applied under PwD category and the disability certificate which he had annexed at the time of registration with BOPEE was issued by the Chief Medical Officer, Jammu, J&K under certificate No. JK2110620000130860 and has been provisionally allotted seat under PwD category in GMC, Udhampur under PwD-ST category.

8. **Whereas**, based on the above instructions, the Government Medical College, Udhampur has vide their office communication bearing No GMC/Udh/2022-23/1655-57 dated 25.09.2023 has taken up the matter with the GMC Jammu for constitution of the Medical Board for accessing the disability of the candidates who have been provisionally selected for UG-NEET Session 2023-24 vide Notification No.057-BOPEE of 2023 dated 11.08.2023 under PwD quota in GMC Udhampur.

9. **Whereas**, in pursuance to communication by Principal, GMC Udhampur bearing No GMC/Udh/2022-23/1655-57 dated 25.09.2023 to access the disability of the candidates who have been allotted seats under PwD category, Principal, GMC Jammu vide communication No.GMC/23/SMBC/1945 dated 30.09.2023 constituted Special Medical Board of Doctors for accessing the disability of the candidates who have been selected under PwD category.

10. **Whereas**, vide communication No. GMC/23/SMBC/1987 dated 09.10.2023, GMC Principal has forwarded the report of the Special Medical Board who have accessed the disability of all the PwD candidates including

Abrar Ahmad. The report of the Special Board vide No.Ortho/Org/23/354 dated 09.10.2023 regarding Abrar Ahmad reads as follows:

“The disability certificate issued by CMO Jammu vide No.JK2110620000130860 dated 14.08.2023 has mentioned disability of 40%. The candidate was examined thoroughly by all the Board members for his disability that he claims.

X-Ray done vide No.576 dated 04.10.2023 is reported as:

“Old united fracture of left distal Humerus and left Patella with orthopaedic implants in situ.”

“The Board is of the opinion that candidate has no disability & whatever symptoms candidate has can be treated by removal of implants.”

11. **Whereas**, vide communication No. GMC/UDH/2023-2024/1842 dated 13.10.2023, GMC Udhampur has forwarded the verification report of the PwD candidates of GMC Udhampur including Abrar Ahmad and has further requested to take the cognizance of the matter; and

12. **Whereas**, the said candidate namely Abrar Ahmad has approached the Hon'ble High Court of J&K and Ladakh at Jammu through the medium of Writ Petition 2654/2023 CM No. 6278/2023 titled Abrar Ahmad V/s UT of J&K & Ors whereby following reliefs has been sought:

“Prohibition; So as to restrain the respondents from cancelling the provisional selection/admission of petitioner to the MBBS Course under PWD-ST category without adopting the principles of natural of justice.

Mandamus; (i) So as to command and direct the respondent No. 2 to allow the petitioner to continue attend his course in GMC, Udhampur pursuant to his selection/ admission to the MBBS course under PWD-ST category.

(ii) So as to direct respondent No. 3 not to act upon any recommendations by respondent No. 2 to cancel the provisional selection/ admission of petitioner to the MBBS course under PWD-ST category.”

13. **Whereas**, the said case was listed on 18.10.2023 and the Hon’ble Court passed an Order which reads as follows:

“Notice.

Mr. Raman Sharma, Learned AAG accepts notice on behalf of respondents No. 1 and 2 and Mr. Eshaan Dadhichi, learned GA appearing vice Mr. Sumeet Bhatia, GA accepts notice on behalf of respondent No. 3. They seek and are granted three weeks time to file objections.

List on 15.11.2023”

14. **Whereas**, in view of the above mentioned Medical Assessment report and recommendations received from the Government Medical Jammu vide communication No. GMC/23/SMBC/1987 dated 09.10.2023, regarding the above mentioned candidate namely Abrar Ahmad belonging to the PwD category who had been provisionally selected for admission in the MBBS for the academic session 2023 in the GMC, Udhampur in pursuance to Notification No. 057-BOPEE of 2023 dated 11.08.2023, the case was examined by JKBOPEE regarding cancellation of the provisional selection in respect of the above mentioned PwD candidate provisionally selected for the MBBS Course in the GMC, Udhampur on the grounds that Abrar Ahmad has been found ineligible under the said category as per the report furnished by the Medical Assessment Board of the GMC, Jammu;

15. **Whereas**, the above factual position clearly demonstrates that Abrar Ahmad has no disability and whatever symptoms the candidate has can be treated by removal of implants;

16. **Whereas**, there is no direction from the Hon'ble Court in the above titled writ petition No 2654/2023 CM No. 6278/2023 titled Abrar Ahmad VS UT of J&K and Ors which debars or restrains the Board from cancellation of the provisional selection of the candidate namely Abrar Ahmad in the GMC, Udhampur on the basis of his ineligibility under PwD Category as per the Special Medical report furnished by GMC Jammu.

Now, therefore, in view of the above position, the name/ candidature of Mr. Abrar Ahmed in the provisional merit list (PML) notified vide notification NO 045-BOPEE of 2023 dated 27.07.2023, and in the provisional selection list notified vide Notification 057-BOPEE of 2023 dated 11.08.2023 issued by the BOPEE shall and shall always have deemed to have been cancelled, ab-initio.

Sd/-
**Controller of the Examinations
J&K BOPEE**

No. JKBOPEE/Exam-03/2023(7322424)

Dated. 07-11-2023.

Copy to the:

1. Secretary to the Government, Health & Medical Education Department J&K.
2. Principal Government Medical College, Jammu. This is in reference to his office communications referred to above.
3. Secretary, J&K BOPEE for information.
4. Chief Medical Officer, Jammu for information.
5. Private Secretary to the Chairman, J&K BOPEE for kind information of the Chairman.
6. Concerned candidates for information.
7. Stock file.