

**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR**

BEFORE

**HON'BLE SHRI JUSTICE ANAND PATHAK
&
HON'BLE SHRI JUSTICE PUSHPENDRA YADAV**

WRIT PETITION NO. 32896 of 2025

ON THE 7th OF NOVEMBER, 2025

PRAGYANSH TAK

Vs.

UNION OF INDIA & ORS.

APPEARANCE:

Shri Prashant Sharma – Advocate for the petitioner.

Shri Praveen Kumar Newaskar – Dy. Solicitor General for the respondents/UOI.

ORDER

Per: Justice Anand Pathak,

1. The present petition under Article 226 of the Constitution is preferred by the petitioner seeking following reliefs:

“i- Issue a writ, order, or direction in the nature of Certiorari quashing the impugned decision of the respondent University declaring the petitioner medically unfit for admission to the B.P.Ed course for the academic session 2025-26 on the ground of Type-1 Diabetes.

ii. Issue a writ, order, or direction in the nature of Mandamus, directing the respondents to forthwith consider the petitioner for admission to the B.P.Ed course, treating him as medically fit, in view of his proven sports performance, AIIMS medical opinion, and absence of any statutory disqualification.

iii. Declare that the action of the respondents in excluding the petitioner from admission solely on the basis of Type-1 Diabetes is arbitrary, discriminatory, and violative of Articles 14, 16, and 21 of the Constitution of India.

iv. Direct the respondents to incorporate appropriate safeguards, if medically advised (such as allowing the petitioner to take additional snacks during prolonged physical activities), instead of excluding him from admission.

v. Any other relief which this Hon'ble Court deems fit in the facts and circumstances of the case may also kindly be granted."

2. Matter pertains to denial of admission to the petitioner in B.P.Ed. course in academic session of 2025-26 on the basis of him being patient of type -1 diabetes. In order to obtain admission in B.P.Ed. course, petitioner cleared written examination held on 02-06-2025 as well as physical and skill test conducted on 18-06-2025. Petitioner opted for badminton as his specialized sport and he was issued the allotment letter dated 08-08-2025 and was asked to report for document verification and medical examination between 11-08-2025 to 14-08-2025 at respondents' University. Petitioner participated in the said medical examination but he was denied admission on the ground that he is type-1 diabetic patient. Therefore, petitioner is before this Court.
3. It is the submission of learned counsel for petitioner that prior to seeking admission in respondents' University, petitioner participated in State and District Level Badminton tournaments and he underwent the same physical standards as are adopted in B.P.Ed. course but

respondents without obtaining any experts' opinion, straight forwardly denied admission to the petitioner. It is further submitted that brochure of the respondents' University does not disqualify a person suffering from type -1 diabetes, from admission. According to petitioner, he already underwent several rigorous physical tests for participation in several District and State level Badminton tournaments. According to medical opinion obtained by petitioner from AIIMS, Jodhpur, in the event of rigorous physical activities, petitioner only requires extra snacks, which is manageable.

4. It is further submitted that an affidavit has also been submitted by the petitioner before the respondents taking all responsibilities in relation to his health during the course of B.P.Ed. Thus, the action of respondents is in clear violation of fundamental rights of the petitioner as enshrined under Articles 14 and 21 of the Constitution. To bolster his submission, reliance has been placed by the petitioner over the judgment of Apex Court passed in the case of **Anmol Vs. Union of India, 2025 SCC OnLine SC 387.**
5. Learned counsel for the respondents opposed the submissions and submits that since the respondents' institute is a residential institute and there is a common mess for the students, therefore, they are unable to give admission to the petitioner who is type -1 diabetes patient as in case of admission, petitioner would be required to be dealt differently. According to counsel for the respondents, the course of B.P.Ed. requires rigorous physical training and since petitioner is type -1 diabetic, therefore, he is required to provide customized food and other facilities, which respondent's institute does not have. It is further submitted that for type -1 diabetes patients, refrigeration of insulin injection is also required and such type of facility is not

available at the respondents' institute.

6. According to respondents, all the candidates who cleared the written and physical tests are required to comply with clause 1.18.3 meaning thereby candidates are required to clear the medical tests conducted by the respondents' institute in which petitioner failed. Reliance has been placed over the judgments of Apex Court in the case of **State Bank of India Vs. G.K. Deshak, AIR 1993 SC 2447** and **Indian Council of Agricultural Research and Ors. Vs. Shashi Gupta, AIR 1994 SC 1241** and the judgment of this Court in the case of **Mohit Gurjar Vs. Union of India and others passed in Writ Appeal No.487/2025** to submit that it is inherent right of employer to be satisfied about medical fitness of person. Thus, prayed for dismissal of this petition.
7. Heard learned counsel for the parties and perused the documents appended thereto.
8. In the case in hand petitioner is seeking the admission in B.P.Ed. course for the academic session 2025-26. As submitted he is District and State level Badminton player. He matches same physical standards as required in the B.P.Ed. course while competing in State and District level Badminton events. He further undertakes by way of affidavit that he would undertake full responsibility of any eventuality thereby absolving the institution from any liability.
9. Not only this, it is common knowledge that every Indian mess contains basic food items like Roti, Dal, Sabji, Rice and Curd which are medically suitable for a diabetic patient. He also undertakes to manage insulin injection by keeping it either in mini refrigerator in his hostel room at his own cost, without any financial or logistical burden to the Institute or to keep equipment in Refrigerator of mess.

Both are manageable.

10. One aspect deserves consideration is that it is not an examination which is giving appointment to the petitioner on any post. It is an admission given to the student to pursue B.P.Ed. course. Therefore, right to pursue education cannot be hindered on pretext of Type -1 diabetes. No person be subjected to forfeiture of his claims to education or other similar pursuits of life (occupation/profession) on account of his disability. Hon'ble Apex Court in the case of **Omkar Ramchandra Gond Vs. Union of India and Ors., (2024) 14 SCC 158** and in **Om Rathod Vs. Director General of Health Services & Ors., 2024 SCC OnLine SC 3130** discussed all these aspects in detail. Recently, Hon'ble Apex Court in the case of Anmol (supra) reiterated the same principles.
11. In the case of **Om Rathore (supra)** reiteration of the principle deserves consideration again:

“k) The Courts cannot be stupefied into inaction by the lack of adequate framework or expertise when questions of fundamental rights emerge. No person forfeits their claim to education or other pursuits of life on account of their disability. The flurry of cases concerning medical aspirants with disability which has come before this Court shows that the overarching issue is a sense of over medicalization of disabled bodies by the Assessment Boards. The approach often taken, due to inertia or unwittingly, is to assume that a person with disability may not be eligible for pursuing the course and then to put the candidates under tests to prove the assumption. The approach focuses more on the disability of a person than their ability. This turns the

principle of reasonable accommodation on its head. The question instead that the Board ought to ask itself is this - what measures can be taken to ensure that the candidate with disability can start their MBBS course on an equal footing with their prospective classmates? The change in question brings a change in perspective. The only negative answer to the question would be that - in line with contemporary scientific advancements, no devices or accommodations can enable the person with disability before them to compete at a level playing field. Courts must ensure that the sanctity of the principles in the RPWD Act and in the Constitution are not violated by the conduct or the outcome of the assessment.”

12. However AIIMS, Jodhpur also clarified that petitioner only requires extra snacks prior to extended physical activities, it is simple and manageable precaution which can be undertaken by a student who is suffering from type -1 diabetes in which eventuality of sudden fall in blood sugar exists. Petitioner carries medical I.D. Issued by the AIIMS and the Institute already has a fully functional health center and ambulance facilities within the campus to handle any emergency. All these aspects go in favour of petitioner and the objection raised by the respondents appear to be preposterous.
13. Counsel for the petitioner cataloged many eminent sports personalities who over came from their type-e diabetes and reached acme in their career by their hard work, skill and sheer determination. Some of them are Cricket player like;
Wasim Akram, a former fast bowler from Pakistan (who took 916 wickets in international Cricket).

Ice Hockey Player Max Domi, a professional player of National Hockey League (N.H.L.) who has written a book about managing his diabetes and founded a fund to help other with type -1 diabetes.

Gary Hall Jr., Swimmer who won 10 Olympic medals over three Olympic Games (1996, 2000 and 2004), hailed as World Fastest Swimmer. In 1999, when he was 25 years old, he was diagnosed with type -1 diabetes. He took a break from swimming to master his diabetes management and then returned back in 2000 Olympic trials where he set a new American record in 50 meters freestyle.

Football player **Nacho Fernandez**, a Spanish soccer player and played in the world cup.

Kris Freeman, an American cross-country skier who competed in the Olympic also.

All these examples indicate that “if there is a will, there is a way”. If those players overcome their disease, then one chance deserves to be given to petitioner also to fight and overcome.

14. In the case of **Anmol (supra)**, the Apex Court held that exclusion of a candidate with disability on the basis of rigid or mechanical medical criteria without individualized functional assessment, is violative of Articles 14 and 21 of the Constitution and contrary to the Rights of Persons with Disabilities Act, 2016 (RPWD Act). It was observed by the Court that **a case by case functional assessment must replace “one size fits all”** approach.
15. One more aspect deserves consideration is that when the legislature framed new enactment RPWD Act where provisions is made to give admission to a person with disability then petitioner cannot be denied admission in absence of any categorization of disability. Even if it is, even then principle of reasonable accommodation as provided under

Section 2(y) of the RPWD Act is Statutory right flowing from Articles 14, 19 and 21 of Constitution. Any denial of such accommodation amounts to discrimination. Respondents' refusal to provide minimal dietary flexibility or safe insulin storage, both of which petitioner volunteered to manage at his own cost, constitutes denial of reasonable accommodation and hence discrimination *per se*. Even otherwise, Type -1 diabetes is not recognized disability, therefore, exclusion of petitioner on this ground is arbitrary and discriminatory.

16. In view of the above discussion, it appears that petitioner made out his case for admission in B.P.Ed. course. Respondents without any justified stand denied the admission. The judgments relied upon by the respondents do not support their cause as they are in respect of appointment and not in respect of pursuing education, therefore, they are not applicable in the present case.
17. Respondents are directed to give admission to the petitioner immediately without any delay and if petitioner is pursuing education then he is permitted to pursue the education. Respondents shall cooperate if required for storage of insulin or intake of extra snacks by the petitioner. Petitioner shall take due care in relation to extra snacks and physical activities. He shall be permitted to appear in coming examination also.
18. Petition stands allowed and disposed of in above terms.

(ANAND PATHAK)
JUDGE

(PUSHPENDRA YADAV)
JUDGE