

27.

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) No. 8545/2015 & CM No.18399/2015 (for stay).

ROSHAN LAL SAINI

..... Petitioner

Through: Ms. Kamlakshi Singh, Adv.

versus

CENTRAL BOARD OF SECONDARY EDUCATION
& ORS

..... Respondents

Through: Mr. Amit Bansal, Ms. Manisha Singh
and Mr. Akhil Kulshrestha, Adv. for
CBSE.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

%

04.09.2015

CM No.18400/2015 (for exemption).

1. Allowed, subject to just exceptions.
2. The CM stands disposed of.

W.P.(C) No. 8545/2015 & CM No.18399/2015 (for stay).

3. The petitioner, an examinee in the All India Pre-Medical Test (AIPMT) – 2015, result whereof was decided on 17th August, 2015, seeks a mandamus to the respondents no.1 to 3 Central Board of Secondary Education (CBSE) to produce the answer sheet / OMR sheet of the petitioner and to re-evaluate the same and remove any discrepancy found therein.

4. The counsel for the respondents no.1 to 3 CBSE appearing on advance notice has, today in Court handed over the Notification dated 8th August, 2015 of the respondents no.1 to 3 CBSE (and which is taken on record), declaring, (i) that the images of the OMR answer sheets and responses to the questions marked by the candidates who had appeared for AIPMT-2015 and answer key of Re-test of AIPMT conducted on 25th July, 2015 would be displayed on the AIPMT website on 10th and 11th August, 2015; (ii) that the candidates would be entitled to

W.P.(C) No. 8545/2015

page 1 of 2



challenge the same on 10th and 11th August, 2015; and, (iii) that the answer key would be displayed on 12th and 13th August, 2015 and the candidates would be entitled to challenge the same on the same dates. It is thus contended that the OMR answer sheets have already been given inspection of and an opportunity for pointing out the errors / mistakes if any therein has already been given and the petitioner having not availed of the same within the time permitted therefor, is not entitled to maintain the present petition.

5. The counsel for the petitioner states that when the result itself was declared on 17th August, 2015, no opportunity could have been availed of before that.

6. The counsel for the respondents no.1 to 3 CBSE states that the inspection of OMR sheets and opportunity to point out the mistakes had necessarily to be given prior to the final declaration of result on 17th August, 2015.

7. Faced therewith, the counsel for the petitioner states that the petitioner being from Rajasthan, was not aware.

8. The same cannot be a ground.

9. There is no merit in the petition.

10. Dismissed.

No costs.

SEPTEMBER 04, 2015
'pp'..

RAJIV SAHAI ENDLAW, J