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

Date of Decision: 26th August, 2022

+ **W.P.(C) 11927/2022 & CM APPLs. 35617/2022 & 35618/2022**

MS. AISHANI OJHA

..... Petitioner

Through: Mr. Deepak Jain, Mr. Tanpreet Gulati, Ms. Shaila Arora, Mr. Pradeep KB, Ms. Akriti Arora, Mr. Aditya Manubarwala and Mr. Varun Verma, Advocates.

versus

NATIONAL TESTING AGENCY & ANR.

..... Respondents

Through: Mr. Chetan Sharma, ASG with Mr. Rupesh Kumar, Ms. Pankhuri Shrivastava, Mr. Amit Gupta and Ms. Sarika Sam, Advocates for R-1/NTA.
Mr. Sanjay Khanna, Standing Counsel with Ms. Pragya Bhushan, Mr. Karandeep Singh and Mr. Tarandeep Singh, Advocates for NTA.
Mr. Farman Ali, SPC with Ms. Usha Jamnal, Advocate for R-2.
Mr. Arjun Mitra, Advocate for R-JEE (Advance).

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

JUDGMENT

SANJEEV NARULA, J. (Oral):

1. Petitioner who secured 75.7614055 in session 1 and 8.3123556 in



session 2 of JEE (Main) Examination, 2022 [*hereinafter*, “**JEE (Main)**”] and is ineligible to appear for the JEE (Advanced) Examination, 2022 [*hereinafter*, “**JEE (Advanced)**”], challenges the correctness of the final score-card issued by Respondent No. 1 – National testing Agency [“**NTA**”] on the ground of technical glitches resulting in non-recording of her responses to several questions in session 2 of the said examination. She prays for a direction to allow her to re-attempt session 2, and appear in JEE (Advanced).

2. Briefly stated, Petitioner’s case is that she had attempted a total of 75 questions in session 2 of JEE (Main). However, to her utter dismay, when the NTA declared the provisional answer key and candidates’ response sheets on 03rd August, 2022, only 3 questions were shown as attempted in her response sheet. Upon discovering such error, Petitioner raised her grievance before the NTA *via* several e-mail communications and even personally submitted a copy of her application to obtain her audit log, but to no avail. As there is no mechanism for re-evaluation/re-checking of results, Petitioner is constrained to approach this Court.

3. Mr. Deepak Jain, counsel for Petitioner, alleges anomalies, technical glitches, system malfunctions and other abundant errors in the conduct of JEE (Main) resulting in grave prejudice to Petitioner, who has been unfairly shown to have attained such a low percentile, despite her bright academic record.



4. After hearing the preliminary submissions advanced by Mr. Jain, the Court on 17th August, 2022, while issuing notice, directed the NTA to file the audit log and response sheet of Petitioner for examination. Consequent thereto, NTA produced the record/ documents, which were thoroughly examined by Petitioner and her counsel. Mr. Jain apprised the Court of various discrepancies between the response sheet and audit log of Petitioner (as produced by the NTA). Further, he submitted that as per general instructions for conduct of JEE (Main) entailed in the information bulletin, the examination was scheduled for 180 minutes [*i.e.*, from 15:00 PM to 18:00 PM] and a clock is set by the server which automatically logs out the candidate after the expiry of the allotted time. The candidate's submitted answers are recorded by the end of the said time. In that light, he pointed out that about 42 responses of Petitioner were randomly cleared in last 13 minutes of the examination; 12 of which were cleared at 18:01:44:560 PM, which is impossible, considering the automatic submission of the paper.

5. On the other hand, NTA controverted the allegations of technical glitches. Counsel for NTA, placing reliance upon the audit log, emphasised that Petitioner cleared the responses entered by her, and thus, the same were not evaluated and the percentile for session 2, as mentioned in the score-card of Petitioner, is correct. As regards the issue of substantial number of clearances, he argues that no reason can be conclusively attributed thereto as giving a particular response to a question is the prerogative of the candidate. Perhaps on account of the policy of negative marking for incorrect responses, she decided to clear the responses. It is generally a practice



amongst candidates to not attempt the questions they are unsure of, in order to avoid negative marking.

6. Although Petitioner has not secured the cut-off percentile in either of the sessions, yet, having regard to the discrepancies highlighted by Mr. Jain, on 22nd August, 2022, the Court passed interim directions to Respondents to register and process Petitioner's application for JEE (Advanced). Now, since the relevant record has been produced, the Court has finally heard the matter and given anxious consideration to the submissions advanced by the counsel, and perused the documents filed on record.

7. Mr. Jain has meticulously taken this Court through the discrepancies between the response sheet and audit log of Petitioner to indicate that her responses had been selected for more than 3 questions (as visible in the audit log), but the same were not recorded. For ready reference, the said discrepancies are enumerated in a tabulation hereinbelow:

Question ID/ Code	Time (PM)	Response in Audit Log	Response in Response Sheet
100422	17:00:56:943	Selected response	Not attempted
100425	16:58:47:013	Selected response	Not attempted
100481	15:38:07:173	Selected response	Not attempted
100483	17:22:02:443	Selected	Not attempted



		response	
100486	15:39:06:567	Selected response	Not attempted
100487	17:17:50:723	Selected response	Not attempted
100488	17:20:03:613	Selected response	Not attempted
100490	17:21:05:020	Selected response	Not attempted

8. The above-mentioned discrepancies initially casted a doubt in the mind of the Court. In order to gain further clarity on the issue, it was considered appropriate to direct the presence of a technical expert from the National Informatics Centre.¹ Mr. Ramesh Kumar, technical expert joined *via* video conferencing and explained the process of conducting and recording of responses from candidates of JEE examinations, and satisfactorily answered the Court's queries.

9. It emerges that each subject in JEE (Main) comprised of two sections. Section A consisted of multiple-choice questions (that required candidate to select the correct answer), and section B has subjective questions (that required candidates to write the final value/answer as a numerical value using the mouse and on-screen virtual keypad). When a candidate clears their response to a multiple-choice question, the audit log displays it as 'CR' *i.e.*, clear response. However, if the candidate clears a response to a

¹ *Vide* order dated 25th August, 2022.



subjective question, the audit log continues to display it as ‘SR’ *i.e.*, selected response although that amounts to a non-attempted question. For illustration, two entries from Petitioner’s audit log demonstrating the cursor movement, are reproduced below:

<i>Roll No</i>	<i>Paper ID</i>	<i>QDisp</i>	<i>QCode</i>	<i>Cand Resp</i>	<i>Qlog</i>	<i>C Action</i>	<i>IP</i>
UP09002594	1	21	100425	7	27 Jul 2022 16:58:47:013	SR	192.168.6.129
UP09002594	1	85	100481		27 Jul 2022 15:38:08:707	SR	192.168.6.129

10. Insofar as Petitioner’s responses being recorded beyond 18:00 PM is concerned, it has been explained that although the scheduled time of commencement of the examination was 15:00 PM, the same however, commences only when a candidate selects/presses the start button on the system, which may be later than 15:00 PM. The clock set by the server does not display the time, but runs a countdown displaying the remaining minutes/ time. The system is programmed to send an intimation of conduction of test and candidate’s activity to the server every minute during the entire allotted time. This is to monitor and detect technical snags as the network/test administrator can, on a real-time basis, keep track and assist a candidate if a need so arises. Based on performance of the system on which examination is being attempted, there can be a lag of micro-seconds in the updates that are sent every minute to the server. These micro-seconds eventually add up to one minute or more, which resulted in the extension of the allotted time and thus, Petitioner’s responses were recorded beyond



18:00 PM. Considering the above, Petitioner's contention that a technical glitch led to clearance of her responses, does not sustain. The delay of one minute in termination of examination perhaps arose due to the above-explained lag in the system. Petitioner's contention is based on conjectures, without any credible basis.

11. The NTA is endowed with conducting various entry-level examinations at the national level. It has established a mechanism and undertaken measures to endeavour a test environment that is free from data infringement or manipulation. For this reason, the JEE (Main) is conducted on a computer system wherein every movement of a candidates' cursor on the screen and their responses are recorded and stored in an electronic database in the form of audit logs, that have been duly produced before the Court. The record/ documents relied on by the parties, particularly the response sheet and the audit log for session 2 of JEE (Main) of Petitioner have been scrutinized. As per the audit log, Petitioner cleared responses to several questions after having already attempted/selected a response thereto. While Petitioner has persistently contended that the same are recorded erroneously, the Court finds no reason to believe such speculations. The audit log maintained by the NTA records not only the selected response, but also the number of times a candidate has visited the question, response so selected/entered on a real- time basis. Petitioner has also failed to demonstrate that she had indeed attempted 75 questions. Her version is contradicted by the verified electronic record of NTA, which is maintained by National Informatics Centre. No technical error is manifest and thus, the



Court remains unconvinced of Petitioner's claim that a technical snag in the system has resulted in low score in JEE (Main).

12. For the foregoing reasons, there is no merit in the petition.

13. Accordingly, the present petition is dismissed along with pending application(s).

AUGUST 26, 2022

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SANJEEV NARULA, J