

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) NO.737 OF 2022**

Ms. Riya Debbarma,
D/o. Manoranjan Debbarma,
Baldhum Para, Mandwi Nagar,
West Tripura, Agartala-799045.

..... **Petitioner(s)**

Vs.

1) The State of Tripura,
Represented by the Secretary,
Department of Health and Family Welfare,
New Secretariat Complex, P.O. Secretariat.

2) The Union of India,
Represented by the Secretary to the Ministry of Education,
Shastri Bhawan, Dr. Rajendra Prasad Road, Central
Secretariat, New Delhi-110013.

3) The Chairman,
National Medical Commission,
Sataka Bhawan, CPO Complex,
Block-A, INA, Nw-Delhi-110023.

4) National Testing Agency,
C-20, IA/8 Centre, 02,
11 TK, Ontreach Centre, Noida-231309.

5) Director of Medical Education,
Health & Family Welfare, Government of Tripura,
New Secretariat Complex, Agartala, West Tripura,
Pin-799010.

6) Principal, Agartala Government Medical College
(AGMC), GBP, Hospital,
P.O. Kunjaban, Agartala, Tripura(West),
Pin-799006.

7) Common Counseling Committee,
Tripura State NEET(UG-2021), Counseling, Agartala.

..... **Respondent(s)**

For the Petitioner(s) : Mr. C.S. Sinha, Advocate.

For the Respondent(s) : Mr. D. Bhattacharjee, G.A.
Mr. B. Majumder, DSGI.
Mr. B. Majumder, CGC.
Mr. S. Saha, Advocate.

Date of hearing and delivery of
Judgment & Order : 10.01.2023.

Whether fit for reporting : YES/NO.

HON'BLE THE CHIEF JUSTICE(ACTING)

JUDGMENT AND ORDER(ORAL)

The case of the petitioner is that she got admitted in MBBS first year at Agartala Government Medical College (*in short 'AGMC'*) by getting through NEET(UG-2021). She was summoned by the Principal of the said institute with documents and papers for verification of NEET (UG-2021). She appeared and apprised that she downloaded her result of NEET from the website of *ntaresults.nic.in* of National Testing Agency and after scrutiny, the committee recommended her admission to MBBS Course, and she got admitted to AGMC. Thereafter, the Principal AGMC vide memorandum dated 03.08.2022 asked her to explain as to why necessary action will not be taken against her for manipulation of documents. On 05.08.2022, the petitioner submitted her reply and denied the allegation. But

the Principal of the institute vide memorandum dated 06.08.2022 canceled her admission in the MBBS course and imposed a penalty of Rs. 20 lakhs on her. Aggrieved thereby, the petitioner herein filed this instant writ petition and prayed for the following reliefs:-

- " a. Admit the petition;*
- b. call for the records.*
- c. Issue writ in certiorari calling upon the respondents to show cause as to why Memorandum No.F.4(4-128)-AGMC/Academic/UG/Admission/2022/13662-73 dated 06.08.2022 should not be declared bad in law and quashed.*
- d. Issue writ in mandamus calling upon the respondents to show cause as to why the petitioner should not be allowed to continue classed of MBBS course 1st year in AGMC.*
- e. Pass an interim order staying operation of Memorandum No.F.4(4-128)-AGMC/Academic/UG/Admission/2022/13662-73 dated 06.08.2022 pending disposal of the writ petition.*
- f. pass any other order(s) which your Lordship may deem fit and proper in the case."*

2) Mr. C.S. Sinha, learned counsel appearing for the petitioner contended that the petitioner herein was not given proper opportunity when the inquiry was conducted. In reply to the notice dated 03.08.2022, the petitioner submitted her contention and denied all the allegations. She proved that she has sufficient marks. There was no material before the respondents to cancel her admission. Stating thus, learned counsel prayed to allow this instant writ petition so that she can continue with her academics.

3) Mr. D. Bhattacharjee, learned G.A. appearing for the State-respondent submitted that a show cause notice dated 03.08.2022 was issued in the form of a memorandum to which the petitioner has submitted explanation and inquiry was ordered. In the inquiry, the petitioner-student along with her mother attended. After verifying the credentials and the marks obtained, the inquiry committee has reported that there is some discrepancy in the marks as indicated by the petitioner. Further in the inquiry, the total marks obtained as per the scorecard submitted by the petitioner is 401 and according to the inquiry, it is 165. Accordingly, the Principal of the college canceled her admission and further directed her to make payment of Rs.20,00,000/-(Rupees Twenty Lakhs) only, the amount which the Government will spend towards the education of a student and the same the Government is entitled to recovery.

4) Heard both sides and perused the evidence on record.

5) It is seen from the record that in the memorandum, catagoric statement has been reiterated that the marks obtained by the petitioner in physics is 87.7030524, in Chemistry is 89.7805612, in Biology(Botany & Zoology) is 96.8753201 and total is 92.8070542. The total mark obtained

is 401 out of 720. Whereas on verification, the marks obtained by the petitioner in Physics is 48.7036942, in Chemistry is 47.8543625, and in Biology(Botany & Zoology) is 57.5212414 and total is 56.8070542. Total mark obtained in 165 out of 720. Further, the rank as per the NEET all India Rank which is indicated by the petitioner is 191467 but after verification, it comes to 664583. In pursuance of the said show-cause notice dated 03.08.2022, the petitioner submitted her reply. In the reply, the petitioner denied the contentions in the said notice/memorandum issued in the form of show cause notice. The petitioner while denying the allegation indicated that her mark scored is 401 and thus her admission be continued.

6) Except mere denial and indicating that she scored 401 marks out of 720 there is no material placed by the petitioner. The petitioner has not substantiated to rebut the contention of the respondents which are there in the show cause notice. Even in the inquiry, the petitioner along with her mother was present. The enquiring authority gave opportunity to the petitioner and her mother to rebut the discrepancy which they have found. But the petitioner could not deny the same by way of any documentary evidence.

7) In view of the same, this Court finds that the cancellation order dated 06.08.2022 is not devoid of merit, and

the same needs no interference. Accordingly, the order of cancellation which is impugned herein is upheld.

8) Further since the impugned memo dated 03.08.2022 does not disclose material reason with regard to the collection of the amount of Rs.20,00,000/-(Rupees Twenty Lakhs) only which is imposed in the said cancellation order dated 06.08.2022 which is impugned herein, this Court finds that imposing Rs. 20,00,000/-(Rupees Twenty Lakhs) only is a unilateral one and the said demand of the respondents herein is accordingly quashed.

9) With the above observation, the writ petition is disposed of to the extent indicated above. Consequently, pending application(s), if any also stand closed.

CHIEF JUSTICE (ACTING)

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