

HIGH COURT OF TRIPURA
AGARTALA

WA 27 OF 2023

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

.... **Appellant**

Vrs.

1. The State of Tripura,

Represented by the Secretary,
Department of Health & 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, New 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 Counselling Committee, Tripura State NEET (UG-2021)
Counselling, Agartala.

....**Respondents.**

Present:

For the appellant : Mr. C.S. Sinha, Advocate.

For the respondents no.4 : Mr. Bidyut Majumder, Dy.SGI

Date of hearing & date of
delivery of judgment and
order. : **14.08.2024**

Whether fit for reporting : No

**HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH
HON'BLE MR.JUSTICE ARINDAM LODH**

JUDGMENT & ORDER(ORAL)

[Arindam Lodh, J.]

The instant writ appeal is directed against the impugned judgment and order dated 10.01.2023, passed by the learned Single Judge in WP(C) No.737 of 2022.

2. Shorn of unnecessary details, the facts leading to filing of the appeal are that the appellant after passing of her H.S.+ 2 stage examination in the year 2019 with 68% of marks appeared in the National Eligibility-cum-Entrance Test (for short, NEET-UG) conducted in the year 2021. She succeeded in the said eligibility test scoring of 401 marks out of total 720 marks in all-India rank viz. 191467 and she being ST candidate, her rank was 10098 in that category. The Online Counselling Committee of Tripura State constituted by the Government of Tripura for selection of candidates to take admission in MBBS Course in Agartala Government Medical College for academic session 2021-22, duly scrutinized her educational qualification, score card of NEET (UG-2021) result downloaded from the website of National Testing Agency and other documents. Being satisfied, the Counselling Committee recommended her for admission in MBBS Course and accordingly, she got admitted at AGMC in first year of MBBS Course being a ST candidate. After admission the petitioner continued her studies in 1st year MBBS Course, but, all on a sudden, the Principal AGMC vide Memo. dated 30.07.2022 [*Annexure-7* to the writ petition] asked her to appear before him on 01.08.2022 along with NEET (UG-2021) Admit Card, score card and other

documents for verification of NEET (UG-2021) records. Accordingly, she appeared before the Principal, AGMC on 01.08.2022 with all original documents and the Verification Committee constituted by the Principal, AGMC verified all the documents. After verification by the said Committee it was found that she had scored 165 marks out of total 720 marks in the NEET (UG-2021) whereas the Online Counselling Committee of Tripura State NEET UG-2021 found her NEET score and NEET all-India Rank as 401 and 191467 respectively. Therefore, the Verification Committee identified mismatch of records between the NEET (UG-2021) score card as submitted at the time of admission in AGMC by the petitioner/appellant and the actual records as per score card downloaded on 01.08.2022 from NTA (National Testing Agency) portal. Accordingly, the respondent no.6 i.e. the Principal, Agartala Government Medical College vide Memo dated 06.08.2022 has cancelled the admission of the petitioner in MBBS Course at AGMC and discharged her from that Course by imposing penalty of Rs.20,00,000/- (Rupees twenty lakhs) as compensation for the loss of one valuable MBBS seat of AGMC on the ground that she had manipulated documents at the time of her admission. The said Memo dated 06.08.2022 issued by the Principal, AGMC was challenged by filing a writ petition before this Court whereby learned Single Judge dismissed the writ petition with the following order which reads as follows:

“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 cancellation 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 of 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....”

3. Being aggrieved by the aforesaid judgment and order, the appellant has filed the instant appeal.

4. We have heard Mr. C.S. Sinha, learned counsel appearing for the petitioner/appellant. Also heard Mr. Bidyut Majumder, learned Dy.SGI appearing for the respondent no.4, National Testing Agency.

5. At the very outset, Mr. Sinha, learned counsel appearing for the petitioner/appellant submitted that there was no manipulation in her score card. She downloaded her result from the website *ntaresults.nic.in* of National Testing Agency wherein her score was found 401 marks out of total 720 with all-India rank 191467 and ST category rank 10098. Copy of the said score card from the National Testing Agency is enclosed as **Annexure-5** to the writ petition. Mr. Sinha, learned counsel further reiterated that in the merit list published by Directorate of Education vide Notice dated 03.02.2022, her name stood at Sl.No.285 with NEET UG 2021 Score 401. It is further contended by Mr. Sinha, learned counsel that learned Single Judge did not appreciate the fact that the respondents did not enquire into the allegation of manipulation of marks against the appellant through proper examination of her original answer sheets which bear signatures of candidates and investigators and, therefore, the alleged verification of marks held by the respondents is improper and bad in law. Therefore, he prays for setting aside and quashing of order dated 10.01.2023 passed by learned Single Judge in WP(C) No. 737 of 2022 as the impugned judgment and order is based on an incorrect appreciation of law and facts.

6. Mr. Majumder, learned Dy.SGI appearing for the respondent no.4, the National Testing Agency, *inter alia* submitted that the contentions raised by the appellant is absolutely false and frivolous and strongly denied by the answering respondent being devoid of merit. The claim of the appellant was dependant upon the forged/manipulated documents that she secured 401 marks which are not on the record of NTA. Mr. Majumder, learned Dy. SGI relying upon the counter affidavit submitted that on perusal of the record maintained by NTA, it is clear that the appellant has come up before this Court with unclean hand as the score card, which has been annexed by the appellant as Annexure-5 to the writ petition, is contrary to the Official Records maintained by NTA and appears to be doctored/forged/manipulated form of the Originals. Thus, Mr. Majumder, learned Dy.SGI candidly submitted that the appellant/petitioner is not entitled to get any relief or reliefs as prayed for and as such, the present writ appeal is liable to be dismissed.

7. Having considered the submissions advanced by learned counsel appearing for the parties and on perusal of the case record, we find that the petitioner/appellant being successful in the NEET (UG) 2021 got admitted in MBBS Course at AGMC for the academic session 2021-2022 through online counselling conducted by the Tripura State NEET UG 2021 Committee of Tripura Counselling on the basis of NEET (UG) 2021 Score. The documents as produced at the time of her admission show her UG Score and NEET all-India rank as 401 and 191467 respectively. Accordingly, in first round of counselling on the basis of relevant documents as submitted by the petitioner/appellant the seat was allotted to her subject to successful verification of original documents. Subsequently, during online filing of information relating to admission made in Medical Colleges for 1st year

MBBS for the academic year 2021-22 in NMC portal i.e. <https://www.nmc.org.in/> it has been found that the NEET (UG) score and NEET all-India Rank of the petitioner/appellant in the NMC Portal is 165 and 664583. Therefore, having found such inconsistency with this issue, a Committee was constituted by the Principal, AGMC, the respondent no.6 herein, to verify her NEET (UG) 2021 records and after due enquiry of her documents in the Office of the Principal, AGMC on 1st August, 2022 in presence of the petitioner/appellant, the said Committee found *mismatch of records between the NEET (UG) 2021 score card which was submitted by the petitioner at the time of admission at AGMC by Riya Debbarma and the one downloaded afresh on 1st August, 2022 from the portal of National Testing Agency (NTA)*. The said Verification Committee in its report [**Annexure-R/3** to the counter affidavit filed by the respondent nos. 1, 5, 6 & 7] observed thus:

“Higher Scores identified in the submitted Score Card in comparison to actual Score Card downloaded from the NTA portal.

The heading ‘NEET All India Rank’ as in freshly downloaded Score Card has not been found in the Score Card submitted by candidate and in the same place the heading is found to be ‘All India Rank for Counselling’. The rank is found to be reflecting a higher merit position in the record as submitted by candidate when compared to actual Score Card downloaded from the NTA portal.

Better Ranking identified in the submitted Score Card in comparison to actual Score Card downloaded from the NTA portal.”

In view of the above, we are not inclined to brush aside the said report extracted in the counter affidavit.

8. In the light of above discussion, we may safely come to a conclusion that the score card relied upon by the petitioner/appellant at the time of her admission is a forged document or, if not forged, there was obvious errors or blatant mistakes committed at certain levels during the entire exercise of publishing results. As such, we do not find any reason to interfere

with the judgment passed by learned Single Bench and accordingly, the impugned judgment and order dated 10.01.2023 is hereby affirmed.

The appeal, accordingly, stands dismissed.

However, the National Testing Agency, the respondent no.4 may take appropriate measures in law against the concerned persons for the said act of forgery or mistakes, if any.

(ARINDAM LODH),J

(APARESH KUMAR SINGH),CJ

