



2026:DHC:7092-DB



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

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Date of Decision : 19.08.2026# **CNR No. DLHC010385272026**+ **LPA 649/2026, CM APPL. 55479/2026, CM APPL. 55480/2026****BUGGAVEETI KRITI MINOR THROUGH HER MOTHER AND
NATURAL GUARDIAN DR GREESHMA PULLURI Appellant****Through: Mr. Abhinay, Ms. S. Lakshmi Iyer,
Mr. Pooran Chand Roy and Ms. Kirti
Vyas, Advocates.****versus****NATIONAL TESTING AGENCY THROUGH ITS DIRECTOR
GENERAL & ANR. Respondents****Through: Mr. Sanjay Khanna, SC with Ms.
Pragya Bhushan, Mr. Naman
Dwivedi, Ms. Jaya Choudhary, Ms.
Meemansa Dixit, Mr. Saurabh
Pandey, Advocates for R-1.
Mr. Jagdish Chandra, CGSC with Ms.
Aishwarya Sinha, Ms. Maanya
Saxena, Mr. L. Kumar, Advocates for
R-2.****CORAM:****HON'BLE THE CHIEF JUSTICE****HON'BLE MR. JUSTICE TEJAS KARIA****TEJAS KARIA, J. (ORAL)****CM APPL. 55481/2026 (Exemption)**

1. Exemption allowed, subject to all just exceptions.
2. The Application stands disposed of.

**LPA 649/2026**

3. The present *intra-court* Appeal assails the order dated 07.08.2026 (“**Impugned Order**”) passed by the learned Single Judge in W.P.(C.) No. 10078/2026 (“**Writ Petition**”) whereby the learned Single Judge dismissed the Writ Petition filed by the Appellant.

4. The Appellant appeared in the National Eligibility-*cum*-Entrance Test-Undergraduate, 2026 Re-examination (“**NEET-UG 2026**”) conducted by Respondent No. 1- National Testing Agency (“**NTA**”) on 21.06.2026. NEET-UG 2026 contained Question No. 143 in the Biology Section of Test Booklet Code 70 (“**Q143**”), which reads as follows:

“143. Given below are two statements:

Statement I: Modern Homo sapiens arose in Australia and moved across continents.

Statement II: Homo sapiens arose around 75,000 and 10,000 years ago.

In the light of the above statements, choose the most appropriate answer from the options given below:

(1) Statement I is incorrect but Statement II is correct

(2) Both Statement I and II are correct

(3) Both Statement I and Statement II are incorrect

(4) Statement I is correct but Statement II is incorrect”

5. The NTA published the provisional answer key for NEET-UG 2026 on 25.06.2026 (“**Provisional Answer Key**”), which provided Option No. 1 to Q143 (“**Option No. 1**”) as the correct answer. However, the Appellant had selected Option No. 3 as the answer to Q143.

6. On 28.06.2026, the Appellant availed the answer-key challenge mechanism provided by the NTA and submitted an online objection to the answer to Q143 as indicated in the Provisional Answer Key along with the



supporting material contending that Option No. 3 alone is supported by the prescribed Class XII NCERT Biology Textbook (“**NCERT Textbook**”) and the notified NEET-UG 2026 syllabus.

7. The NTA, thereafter, on 16.07.2026, released the Final Answer Key for NEET-UG 2026 (“**Final Answer Key**”), retaining the answer indicated in the Provisional Answer Key to Q143. The result of NEET-UG 2026 was declared on 16.07.2026 (“**Result**”), wherein the Appellant secured 569 marks out of 720.

8. Being aggrieved by the Final Answer Key, the Appellant filed the Writ Petition, in which the NTA filed its Counter Affidavit dated 03.08.2026 (“**Counter Affidavit**”) stating that the challenges to the Provisional Answer Key received from all the candidates, including the Appellant, were placed before a panel of eminent subject experts drawn from premier institutions of national repute, including the Indian Institute of Technology and premier Central Universities, for consideration and settlement, and that the Final Answer Key was subsequently prepared in accordance with the opinion / recommendations of the respective panel of subject experts.

9. *Vide* the Impugned Order, the learned Single Judge dismissed the Writ Petition, *inter alia*, observing that once the subject experts have applied their mind and declared the Final Answer Key, it is not for the Court to sit in judgment over the subject experts’ opinion.

10. Being aggrieved by the Impugned Order, the Appellant has preferred the present Appeal.

11. Learned Counsel for the Appellant submitted that the learned Single Judge failed to appreciate that Option No. 1 is contrary to the distinction



expressly drawn in the NCERT Textbook between “*Homo sapiens*”, who arose in Africa and thereafter moved across continents, and “*modern Homo sapiens*”, who emerged during the Ice Age between 75,000 and 10,000 years ago. It was further contended that, once the essential qualifying expression “*modern*” is omitted, Statement II of Q143 becomes incorrect in terms of the NCERT Textbook and, consequently, Option No. 3 is the most appropriate answer.

12. It was further submitted by the learned Counsel for the Appellant that the learned Single Judge failed to apply the settled test laid down in ***Kanpur University v. Samir Gupta***, (1983) 4 SCC 309, ***Om Prakash Verma v. National Testing Agency***, (2024) 1 HCC (Del) 115, and applied by this Court in ***Kushagra Mittal Minor & Anr v. National Testing Agency & Ors.***, Neutral Citation: 2026:DHC:6822-DB, that the presumption of correctness attaching to an answer key is not conclusive and that interference is permissible where the answer key is shown to be manifestly and patently erroneous.

13. It was submitted by the learned Counsel for the Appellant that in the present case, Statement II of Q143 refers to “*Homo sapiens*”, whereas the NCERT Textbook refers to “*modern Homo sapiens*” while describing emergence during the relevant period. Therefore, the NCERT Textbook, read as a whole, draws a specific distinction between “*Homo sapiens*” and “*modern Homo sapiens*”. The omission of the qualifying expression “*modern*” in Statement II was, accordingly, not a mere semantic or inconsequential variation, but one which materially altered the proposition contained therein and rendered the statement inconsistent with the NCERT



Textbook. The error, it was submitted, is not sought to be established by any inferential process of reasoning or by reliance upon extraneous academic material but is apparent from the NCERT Textbook itself.

14. Learned Counsel for the Appellant also placed reliance upon ***Hari Singh v. RPSC***, 2010 SCC OnLine Raj 3149, to submit that prior consideration by experts or oversight committees does not, by itself, constitute an absolute bar to judicial scrutiny of an answer key. It was submitted that, in an appropriate case where the committee has not independently applied its mind, or where the material relied upon by the committee is neither prescribed nor approved, the Court may examine the correctness of the answer key. It was further submitted that, since the Appellant's challenge to the Final Answer Key is founded upon the NCERT Textbook, which forms part of the notified NEET-UG 2026 syllabus, answer to Q143 ought to have been examined in light of the said prescribed material.

15. It was also submitted on behalf of the Appellant that the learned Single Judge erred in relying upon the decision of this Court in ***Freya Kothari v. Union of India & Ors.***, W.P.(C.) No. 13668/2022, without appreciating that the factual matrix therein was materially distinguishable. The questions under consideration in that case involved the selection of the “most appropriate” answer where more than one answer appeared to be plausible, and the correctness of the answer was, therefore, found to be debatable. In the present case, however, the Appellant does not seek to assail a debatable expert opinion or invite this Court to choose between two scientifically plausible answers.



16. Learned Counsel for the Appellant further submitted that the NTA, neither at the stage of considering the Appellant's objection nor in its Counter Affidavit, produced any expert report, opinion, reasoning, or other material addressing the Appellant's specific objection or explaining why Statement II was treated as correct. It was, accordingly, submitted that the learned Single Judge could not have proceeded on the mechanical presumption that an unexplained expert conclusion necessarily established the correctness of the Final Answer Key.

17. Learned Counsel for the Appellant submitted that the approach adopted by the learned Single Judge would, in effect, render an answer key immune from judicial review merely because the examining authority asserts that the objections were considered by subject experts, even where the underlying expert opinion has not been produced and the candidate demonstrates the alleged error on the basis of the prescribed textbook itself.

18. In view of the aforesaid submissions, learned Counsel for the Appellant submitted that the Impugned Order deserves to be set aside.

19. *Per contra*, learned Counsel for the NTA submitted that the challenges received from candidates to the Provisional Answer Key, including the objection raised by the Appellant, were placed before a panel of eminent subject experts drawn from premier institutions of national repute, including the Indian Institute of Technology and premier Central Universities, for their consideration and resolution. It was submitted that the Final Answer Key was thereafter prepared in accordance with the opinion and recommendations of the respective panel of subject experts and, pursuant to such review and settlement of the challenges, the Result was



declared. It was further submitted that a perusal of the NCERT Textbook relied upon by the Appellant would indicate that no distinction is drawn therein between “*Homo sapiens*” and “*modern Homo sapiens*”.

20. Learned Counsel for the NTA further submitted that the questions in NEET-UG 2026 were framed to test the candidates’ comprehension with a degree of nuance, and the scheme of the examination must be appreciated in that context. It was submitted that Statement I was intended to test the candidate’s understanding of the correct continent associated with the movement of *Homo sapiens*, whereas Statement II tested the period of emergence of the species. It was further submitted that the NCERT Textbook does not prescribe distinct periods for the emergence of “*Homo sapiens*” and “*modern Homo sapiens*”, and that the two expressions have been used interchangeably in the relevant context.

21. Learned Counsel for the NTA placed reliance upon ***Kushagra Mittal*** (*supra*) to submit that judicial review of an answer key is warranted only where the alleged error is manifest and palpable. It was submitted that the presumption operates in favour of the correctness of the answer key and the opinion of the subject experts, and that the benefit of any doubt must, accordingly, enure to the examination authority rather than to the candidate.

22. In view of the aforesaid submissions, learned Counsel for the NTA submitted that no interference with the Final Answer Key is called for.

23. We have heard learned Counsel appearing for the parties and have perused the material placed on record.

24. The principal submission advanced on behalf of the Appellant is that the omission of the expression “*modern*” in Statement II is not a mere



semantic or inconsequential variation, but one which materially alters the proposition contained therein and renders the said statement inconsistent with the NCERT material. It is, therefore, contended that Statement II of Q143, which reads as “*Homo sapiens* arose around 75,000 and 10,000 years ago”, is objectively incorrect and, consequently, Option No. 1, which treats Statement II as correct, could not have been accepted as the correct answer.

25. The scope of judicial review in matters concerning the correctness of an answer key in competitive examinations, particularly where the answer has already been examined by subject experts, is well settled. The Court is required to exercise such jurisdiction with circumspection and due deference to expert opinion. Interference is warranted only in exceptional cases where the alleged error is so manifest and palpable that it can be established without resort to any inferential process of reasoning or rationalisation. The burden of establishing such manifest and palpable error rests upon the Appellant.

26. The Appellant seeks to discharge the aforesaid burden by placing reliance upon the contents of the NCERT Textbook. The submission advanced on behalf of the Appellant proceeds on the premise that the omission of the expression “*modern*” from Statement II necessarily renders the said statement incorrect. It is, however, pertinent to note that the NCERT Textbook does not make any express categorisation between “*Homo sapiens*” and “*modern Homo sapiens*”, nor does it, by itself, establish that the period referred to in Statement II applies only to “*modern Homo sapiens*”, so as to render the omission of the expression “*modern*” fatal to the correctness of Statement II. The conclusion sought to be drawn by the



Appellant would, therefore, require this Court to read the NCERT Textbook in the manner suggested by the Appellant, *de hors* any material which conclusively supports such an interpretation.

27. In the absence of any such distinction being expressly drawn in the NCERT Textbook, it would be inappropriate to read into the said textbook a distinction between “*Homo sapiens*” and “*modern Homo sapiens*”. The law is well settled that the onus lies upon the candidate not only to demonstrate that the key answer is incorrect, but also to establish that the error is glaring and apparent on the face of the record. Unless the candidate demonstrates that the key answer is patently wrong, the Court cannot enter the academic field, weigh the competing submissions advanced by the parties, and determine which answer is better or more correct. Constitutional courts, therefore, exercise restraint in such matters and ought to be slow in entertaining challenges to the correctness of key answers.

28. In the present case, Option No. 3, selected by the Appellant as the answer to Q143, reflects the Appellant’s understanding of the terminology employed in Statement II and such understanding, by itself, is insufficient to displace the presumption of correctness attaching to an answer determined upon consideration by subject experts. The presumption, accordingly, remains in favour of the correctness of the Final Answer Key and the opinion of the subject experts. Any doubt, in the facts of the present case, must enure to the benefit of the examination authority. The contention that the Respondents failed to establish whether the specific objection raised by the Appellant was considered by the subject experts, or to disclose the basis on which the same was rejected, does not alter this position. The Appellant



is still required to make out her own case on the strength of the material relied upon by her.

29. The material placed on record, including the communication dated 07.07.2026, indicates that the objection raised by the Appellant was placed before the committee of eminent subject experts constituted by the NTA for consideration. Upon consideration of the objections received from candidates to the Provisional Answer Key, the Final Answer Key was prepared. Having regard to the settled legal position and the nature of the objection raised in the present case, this Court finds no ground to interfere with the Final Answer Key in the absence of any manifest or palpable error.

30. We, therefore, find no infirmity in the Impugned Order. The present Appeal is, accordingly, dismissed. Pending applications, if any, also stand disposed of. There shall be no order as to costs.

TEJAS KARIA, J

DEVENDRA KUMAR UPADHYAYA, CJ

AUGUST 19, 2026

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