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

% Judgment delivered on: 21.07.2016

+ W.P.(C) 6194/2016 & CM No.25369/2016 (for interim directions)

PRIYAL AGARWAL Petitioner

versus

UNION OF INDIA & ORS Respondents

Through

Advocates who appeared in this case:

For the Petitioner : Mr. K. Sunil, Advocate.

For the Respondents : Mr. Ripu Daman Bhardwaj, CGSC
with Mr. Suresh C. Sati, Advocates
for respondent Nos.1 and 2.
Mr. Atul Kumar, Advocate for the
respondent No.3 with Mr. Karnail
Singh, Dy. Sec. CBSE.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioner has filed the present petition seeking a direction to the respondents to permit the petitioner to appear in the National Eligibility-cum-Entrance Test (NEET) – II, 2016 to be conducted by the respondent No.3 on 24.07.2016.

2. It is contended that the petitioner had appeared in the NEET-I, 2016 for the purposes of admission to medical colleges. It is contended

that the Supreme Court of India in **Sankalp Charitable Trust and Anr. vs. Union of India and Ors.**: W(C) 261/2016, by order dated 20.04.2016, *inter alia*, directed that phase II of NEET for the left out candidates shall be held on 24.07.2016 by inviting application with fee.

3. It is further contended that by order dated 09.05.2016, in **Transfer Case (C) No.(S) 7/2013**), **Association of Management of Unaided Private Medical and Dental College vs. Union of India & Ors.**, the Supreme Court of India directed that all such eligible candidates who could not appear in NEET I and those who had appeared but had apprehensions that they had not prepared well, are permitted to appear in NEET-II, subject to giving up their candidature for NEET-I.

4. It is contended that the respondents, on 26.05.2016 and 27.05.2016 published on their website and newspapers respectively inviting applications from candidates opting to appear in NEET- II in terms of the directions of the Supreme Court.

5. It is contended that on 28.05.2016, the petitioner exercised the option and logged on to the site of the respondent and opted for cancellation of NEET-I and for appearance in NEET-II. It is contended that the website of the respondents showed that the petitioner had been registered for NEET-II examination. It is contended that, at the time of log in, after registration, no option for deposit of fees or for proceeding further for entering any further detail appeared in the portal. It is contended that the petitioner believed that the petitioner had been registered for NEET-II after cancellation of her NEET-I examination and

the process was complete. The petitioner waited for issuance of the admit card for appearing in the examination to be held on 24.07.2016, however on 09.07.2016, when the petitioner attempted to get a copy of the admit card, the website of the respondent displayed that “it was a wrong information” or “fees not paid”. It is contended that the petitioner had completed the registration process and no fresh registration number was generated and there was no requirement of the petitioner to continue further in the registration process.

6. Learned counsel for the respondents has produced the templates of the procedure for registration for NEET-II. Perusal of the templates show that once the registration process is commenced, the applicant is required to fill an online form and the system automatically generates a new registration number and the student is then required to login with the new registration number and the old password to proceed further. The templates record as under:-

“You have registered your online application for AIEMT-2016 provisionally, further process of online application form will begin on only after the successful payment of fees”.

7. Learned counsel for the respondent contends that the template clearly shows that the registration is only provisional. The said system automatically generates the registration number. He contends that since the petitioner admittedly does not have a new registration number, the petitioner has not proceeded further with the registration process and has not filled up the complete application form and paid the requisite fee. It is thus contended that as the petitioner has not completed the process of

registration and paid the requisite fee, the petitioner cannot be permitted now to appear in NEET-II examination.

8. Learned counsel for the respondent, under instructions from Mr. Karnail Singh, Dy. Sec. CBSE, submits that since the petitioner has not completed the process of registration in NEET-II, the original registration of the petitioner in NEET-I continues to be valid. He submits that the status, as of today, is that the petitioner continues to be registered for NEET-I. He submits, on instructions, that the result and ranking of the petitioner would be duly displayed based on NEET – I that the petitioner had taken.

9. Learned counsel for the petitioner submits that in view of the statement given by the respondents that the registration of petitioner for NEET-I continues to stand and the result of the petitioner would be declared on the basis of NEET -I examination, he does not wish to press the present petition any further.

10. The writ petition is, accordingly, disposed of taking the statement of the respondent on record that the registration of the petitioner for NEET-I is valid and subsists and the result of the petitioner would be declared based on the examination of NEET - I.

11. *Dasti* under the signatures of the Court Master.

SANJEEV SACHDEVA, J

JULY 21, 2016/st