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

% Judgment delivered on: 22.07.2016

+ W.P.(C) 6385/2016

ARJUN

..... Petitioner

versus

CBSE AND ANR.

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Surender Deswal & Mr. Amit Kumar Sharma,
Adv.

For the Respondents : Mr. Atul Kumar, Adv. for R-1
Mr. Gigi C. George, Adv. for R-2

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

CM No. 26128/2016 (Exemption)

Allowed, subject to all just exceptions.

W.P.(C) 6385/2016

1. The petitioner has filed the present petition seeking a direction to the respondents to issue Admit Card and to allow the petitioner to provisionally appear in National Eligibility Cum Entrance Test (UG) (NEET) –II Exam to be conducted on 24.07.2016.

2. The petitioner had appeared in NEET-I Exam. Pursuant to the

public notice published on the website on 26.05.2016 and in the local newspaper on 27.05.2016, the petitioner registered for NEET – II. The petitioner duly registered for NEET-II and paid the requisite fee. Confirmation page confirming the registration of the petitioner for NEET – II was also generated and downloaded by the petitioner on 20.06.2016.

3. It is contended that when the petitioner attempted to download the Admit Card in first week of July, 2016, the petitioner was unable to do so. The petitioner approached the respondents and sent several e-mails with regard to the same and even made a representation on 19.07.2016.

4. The petitioner was informed that the Admit Card of the petitioner had not been uploaded as the petitioner has used unfair means in NEET-I by tampering with OMR Sheet.

5. Learned counsel for respondent No. 1 CBSE who appears on advance notice submits that Chapter-9 of the Information Bulletin for NEET-II Exam. defines “Unfair Means Practice” to inter-alia, include “Erasing or obliterating any information printed on the OMR Sheet”.

6. Learned counsel for the respondent CBSE submits that the concerned CFO of the Centre in which the petitioner had appeared for NEET – I, had reported that the petitioner had deliberately tampered with the bar code/changed the bar code number.

7. All cases of unfair means were placed and considered by the Chairman of the Respondent – CBSE who is the competent authority and a decision was taken by the Chairman on 03.07.2016 to cancel the NEET

– I exam of the petitioner and to debar the petitioner from future NEET Exams under rule 9.1(p) of NEET-I 2016. Further, it has been decided that since petitioner has applied in NEET-II Exam, he may be debarred as per rule. Copy of the decision dated 03.07.2016 of the Chairman has been produced and has been taken on record.

8. In view of the submissions made by the learned counsel for the respondents that the petitioner had used unfair means as defined in Clause 9.1 (p) of the Information Bulletin and had tampered with the OMR Sheet and changed the bar code number, the action of the respondent – CBSE in debarring the petitioner cannot be faulted. The petitioner cannot be thus issued the Admit Card and allowed to provisionally appear in the NEET-II, which is to be conducted on 24.07.2016.

9. I find no merit in the petition. The petition is accordingly dismissed.

10. It is clarified that dismissal of the petition would not come in the way of the petitioner impugning the decision of the respondent - CBSE in debarring the petitioner from either NEET-I or future NEETs and the petitioner would be at liberty to avail of such remedy as might be available in law for impugning the said decision.

11. Copy of the order be given dasti under the signature of the Court Master.

SANJEEV SACHDEVA, J

JULY 22, 2016
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