

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2018

CORAM:
THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.24363 of 2017

P.Arunagiri

... Petitioner

vs.

1. The Secretary to Government,
Government of Tamil Nadu,
Health and Family Welfare Department,
Fort St. George,
Chennai 600 009.
 2. The Medical Council of India,
Pocket-14, Sector-8,
Dwarka Phase - I,
New Delhi - 110 077.
 3. Central Board of Secondary Education,
Shiksha Kendra 2, Community Centre,
Preet Vihar, Delhi - 110 092.
 4. The Additional Medical Education/
Secretary Selection Committee,
O/o.The Director of Medical Education,
Poonamallee High Road,
Kilpauk, Chennai - 10.
 5. The Director,
Institute of Road Transport,
Tharamani, Chennai 600 013.
 6. The Principal,
IRT-Perundurai Medical College Hospital,
Perundurai, Erode District.
- ... Respondents

(R5 & R6 impleaded as per order dated 18.09.2017 in
W.M.P.No.26105 of 2017 in W.P.No.24363 of 2017)

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the Respondents to admit A.Arunkumar, son of P.Arunagiri, IRT Application No.M0049 and AR No.98313 in 1st year MBBS Course in IRT-Perundurai Medical College & Hospital at Perundurai, Erode District by considering his NEET mark of 468.

For Petitioner : Mr.R.Marudhachalamoorthy
For Respondents 1, 4, 5 & 6 : Mrs.V.Annalakshmi,
Government Advocate
For 2nd Respondent : Mr.V.P.Raman
For 3rd Respondent : Mr.G.Nagarajan

O R D E R

Petitioner has come up with the present Writ Petition seeking a direction to the Respondents to admit his son, viz. A.Arunkumar, in 1st year MBBS Course in IRT-Perundurai Medical College & Hospital at Perundurai, Erode District on the basis of his NEET marks.

2. According to the Petitioner, his son A.Arunkumar, secured 468 marks in the NEET Examination conducted in the year 2017. His son submitted his application for MBBS Course Counselling to the College of IRT-Perundurai Medical College & Hospital, Perundurai, through the Institute of Road Transport, Tharamani, Chennai. Thereafter, a communication was sent to the Petitioner's son from the Institute of Road Transport, Tharamani, Chennai, that his name has been placed in No.1 position, as per the marks obtained by him in NEET Examination. Pursuant to the communication letters dated 23.08.2017 and 29.08.2017 sent by the Institute of Road Transport, Tharamani, Chennai, the Petitioner's son was directed to attend the counselling on 31.08.2017 at 8.00 a.m. and accordingly, they attended the counselling. However, the person who scrutinized the call letter and other documents of the Petitioner's son, informed that his name is not found in the merit list. At the instance of the officials of the 4th Respondent, the Petitioner lodged a complaint to the 3rd Respondent through their website. However, there was no response to the said complaint.

3. Thereafter, the 4th Respondent collected the Petitioner's son's NEET Examination particulars, viz. Roll Number, Application Number and his Date of Birth and after scrutiny, they informed the Petitioner that his son is not eligible to pursue M.B.B.S. Course, as he has obtained only 105 marks in the NEET Examination, instead of 468. It is the case of the Petitioner that students, who have secured lesser marks than his son, have been allotted M.B.B.S. Seat and that the act of the Respondents in not allotting a seat to his son, is arbitrary. The Petitioner further submitted that his son downloaded the NEET Results Mark Sheet from the internet and only after lodging a complaint, that his name is not found in the merit list, the marks obtained by his son is shown as 105 instead of 468. According to the Petitioner, though his son obtained more than eligible marks and secured number one position in the Management Quota to the said College, his grievance has not been addressed, and having no other alternative remedy, he is before this Court.

4. The 3rd Respondent/CBSE has filed counter affidavit, relevant portion of which, is extracted hereunder:

"4. ... it is to be noted that the Petitioner's son actually had obtained only 105 marks out of 720, not as stated 468 marks he had obtained out of 720 mentioned in the print out taken by the Petitioner.

5. At this stage, it is pertinent to note that the NEET (UG) 2017 Examination was conducted on 07.05.2017 and the result was declared on 23.06.2017. It is to be noted that only one result was declared in respect of all the candidates and actually CBSE has not changed or revised marks in respect of any of the candidates at any stage, after the declaration of the result. The actual result of the candidate has been sent to the 4th Respondent. Further, the result sheets allegedly showing the total marks 468 and the percentile score of 65.001 as claimed in para 11 of the affidavit under reply has been downloaded on 27.06.2017 by the Petitioner's son, which is not the actual result of the candidate uploaded by the CBSE Board on 23.06.2017. The result sheet filed with 105 marks is the actual result and marks obtained by the candidate and the result sheet with 468 marks filed before this Hon'ble Court is a forged one filed with some ulterior motive with evil intention for his own benefit, besides it is a cheating and misguiding and cooked up one.

6. It may be noted that Comparison of the actual and forged result sheets clearly point out the editing and changes made in the actual document:

Result Sheet	Total marks	Percentile	NEET All India Rank	AIQ Overall Rank	Category Rank
Actual	105	39.271800	661285	589604	249536
Forged	468	65.001	261285	589604	149536
Remarks	All digits edited	All digits edited	First one digit edited	No digits edited	First one digit edited

It is worth mentioning that the All India Quota Rank for 15% seats of a candidate will always be less than the NEET All India Rank. A candidate with NEET All India Rank of 261285 cannot have the AIQ Overall Rank (for 15% seats) of 589604 under any circumstances. A perusal of score and the corresponding percentile scores, All India Rank, AIQ All India Rank and the category rank clearly establish that editing and forgery has been done. CBSE has given the percentile score in 6 places after decimal. The Petitioner is not aware about this fact, therefore, he has given the percentile score in only 3 places after decimal in the forged result sheet. Further, 468 marks have a corresponding percentile score of 96.339827 and not 65.001 as claimed by the Petitioner.

8. It is also to be noted that for every correct answer, 4 marks are awarded, but, however, for each wrong answers, one mark is deducted from the total marks."

5. On a perusal of the Answer Scripts produced by the Respondents, it is seen that out of 180 questions, the Petitioner has written 57 correct Answers, for which he is entitled to get 228 marks ($57 \times 4 = 228$). At the same time, for 123 wrong answers, 123 marks have to be deducted, i.e. 1 mark for each wrong answer. Thereby, the NEET marks obtained by the Petitioner's son is calculated as 105 ($228 - 123 = 105$).

6. Two Mark Sheets of the Petitioner's son are placed before this Court. On a scrutiny of the records, it is clear that the Mark Sheet produced by the Petitioner's son is not genuine and that he has scored only 105 marks and his percentile is 39.271800. In the counter affidavit filed by the 3rd Respondent, it is clearly stated that CBSE has given the percentile score in 6 places after the decimal. Unaware of this fact, the Petitioner's son has given the percentile score in only 3 places after decimal in the forged result sheet. Also it is seen that 468 marks have a corresponding percentile score of 96.339827 and not 65.001 as claimed by the Petitioner's son.

7. In view of the above, it is crystal clear that the Petitioner's son has scored only 105 marks out of 720 in the NEET Examination and not 468 marks, as claimed by him and as such, he is not entitled to any relief in this Writ Petition. Though much can be stated against the Petitioner's son for producing an erroneous Mark Sheet, taking note of his tender age, this Court is not inclined to pass any adverse remarks against him. The Petitioner is expected to inculcate good values to his son and if such an act of forging a Mark Sheet

is going to be repeated in future, none will protect the interest of his son.

The Writ Petition stands dismissed with the above observation. No costs. Consequently, connected W.M.P.No.25778 of 2017 is closed.

Sd/-

Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

1. The Secretary to Government,
Government of Tamil Nadu,
Health and Family Welfare Department,
Fort St. George, Chennai 600 009.
2. The Medical Council of India,
Pocket-14, Sector-8,
Dwarka Phase - I, New Delhi - 110 077.
3. Central Board of Secondary Education,
Shiksha Kendra 2, Community Centre,
Preet Vihar, Delhi - 110 092.
4. The Additional Medical Education/
Secretary Selection Committee,
O/o.The Director of Medical Education,
Poonamallee High Road,
Kilpauk, Chennai - 10.
5. The Director,
Institute of Road Transport,
Tharamani, Chennai 600 013.
6. The Principal,
IRT-Perundurai Medical College Hospital,
Perundurai, Erode District.

+1cc to Mr.R.Marudhachalamurthy, Advocate SR.NO.53678

+1cc to Mr.G.Nagarajan, Advocate SR.NO.53394

+1cc to Government Pleader SR.NO.54082

NMI (CO)

sm:3.9.2018

Order in
W.P.No.24363 of 2017