

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

**THE HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
THE HON'BLE MS.JUSTICE J. UMA DEVI**

WRIT PETITION No.23721 of 2018

Date:27.08.2018

Between:

Mantha Sai Satya Pavan Surya S/o.Mantha Srinivas,
Age 17 years, Student, R/o.Yashoda Krishna Apartments,
S.R. Nagar, Hyderabad, Rep.by his mother and natural
Guardian Smt. Mantha Veera Venkata Naaga Maha Lakshmi,
W/o. Mantha Srinivas.

... Petitioner

v.

The Central Board of Secondary Education,
National Eligibility cum Entrance Test Unit,
Shiksha Kendra, 2-Community Center,
Preethi Vihar, Delhi, Rep. by its Secretary.

.. Respondents

For Petitioner : Krishna Kishore Kovvuri

For Respondents : Smt. A. Chaya Devi and
Mr. P.V.L. Bhanu Prakash

Gist :

Head Note :

Cases Referred :

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE MS.JUSTICE J. UMA DEVI

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ORDER: (*per V. Ramasubramanian, J*)

Contending that the question paper in the NEET Examination was given 10 minutes later than the scheduled time of commencement and also that he was instructed to start writing the answers 20 minutes later than the scheduled time of commencement, the petitioner, who was seeking admission to undergraduate Medical Course for the current academic year, has come up with the above writ petition.

2. Heard Mr. Krishna Kishore Kovvuri, learned counsel for the petitioner, Smt. A. Chaya Devi, learned counsel appearing for the 1st respondent, Mr. PVL Bhanu Prakash, learned counsel appearing for the 3rd respondent and Mr.A. Prabhakar Rao, learned Standing Counsel appearing for the 4th respondent.

3. The petitioner applied for NEET – 2018 and he was allotted to the 3rd respondent College for taking the examination. The examination was held on 06.05.2018. According to the petitioner the Invigilator of the Hall in which the petitioner took the examination arrived at 9.45 a.m. and took the attendance. It is claimed by the petitioner that the Invigilator distributed the question paper at 10.10 a.m. directing all the candidates in the Hall to start writing the examination only by 10.20 a.m. The petitioner claims that due to the delay in granting permission to him to start writing the answers, he

had to hurriedly finish the answers and that his request for extension of 20 minutes was refused by the Invigilator.

4. Though the petitioner secured All India Rank of 27600 and the State Rank of 1075, which got revised to 1293 later, on account of which he has now secured admission in a Government Medical College at Adilabad, the petitioner is still aggrieved in view of the fact that his performance could have been better if those 20 minutes had been available and that with the better performance he could have secured admission in a premier institution in Hyderabad itself.

5. Notices were ordered to the respondents. The 3rd respondent has filed a counter affidavit. In the counter affidavit, it is stated specifically that at 9.20 a.m., the sealed Trunk Boxes containing the Booklets parcels were opened; that at 9.45 a.m., the Booklets were distributed to candidates and by 9.55 a.m., the students were allowed to break open the sealed test booklets. It is further claimed in the counter affidavit that the candidates were allowed to start writing the examination sharply at 10.00 a.m. and the test concluded at 1.00 p.m.

6. In other words, there is categorical denial by the 3rd respondent of the allegation contained in the affidavit with regard to belated distribution of the question papers and the belated commencement of the examination. Thus, the allegation has become a disputed question of fact.

7. Normally, this Court would not go into disputed questions of fact in a writ petition under Article 226 of the Constitution of India. It is true that in extraordinary cases where there is something fishy,

the Court is not denuded of its power to do complete justice. Therefore, it should be seen whether this case is one of those extraordinary cases requiring an extra mile to be taken by this Court.

8. Apart from making a positive statement that the question papers were distributed at 9.55 a.m., and the examination commenced sharply at 10.00 a.m., it is further claimed by the Principal of the 3rd respondent College in paragraph-3 (c) that the total number of candidates allotted to the 3rd respondent School for taking the examination was 960. Out of that, 917 students were present and 43 were absent. The students were distributed in 40 rooms each comprising of 24 candidates. Room No.V-B was allotted to candidates with hall tickets commencing from 512526545 and ending with 512526568. The petitioner was one among the students allotted to Room No.V-B. It is further claimed by the 3rd respondent in his counter that two Invigilators were monitoring the examination and that in the room, where the petitioner took examination, there were two Invigilators, by name, Smt. Vanisree and Smt. Satya Vani. The entire examination was conducted under the supervision of 2 observers deputed by the 1st respondent Board.

9. It is relevant to note that none of the other 23 candidates present in the same room in which the petitioner took the examination, has made any complaint about the belated distribution of the question paper. It is not the case of the petitioner that he alone was targeted or singled out and the question paper distributed belatedly. If all persons in a particular hall were distributed the question papers belatedly, at

least some of them would have made a complaint. The petitioner has not stated in his writ petition as to whether he lodged a protest in writing on the very date of examination, either to the 3rd respondent or to the 1st respondent. Therefore, in the light of the fact that no contemporaneous complaint was made in writing and also in the light of the fact that the other students have not complained, it is not possible to order any investigation in cases of this nature.

10. Therefore, the Writ Petition is dismissed. As a sequel thereto, miscellaneous petitions, if any, pending shall stand dismissed.

No order as to costs.

V. RAMASUBRAMANIAN, J

J. UMA DEVI, J

August 27, 2018

KTL

