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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LPA 115/2018, C.M. APPL.10191/2018
MOHINDER KUMAR Appellant
Through : Sh. Deepak Khosla, Advocate.

versus

NATIONAL BOARD OF EXAMINATIONS NEET..... Respondent
Through : Sh. Kirtiman Singh and Sh. Waize Ali
Noor, Advocates.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE A. K. CHAWLA

% **ORDER**
16.03.2018

This Bench is unable to agree with the appellant at this stage that the investigation into the complaints with respect to the malpractices in *National Eligibility cum Entrance Test* (NEET) 2018 [hereafter “the examination”] need to be handed over to the Central Bureau of Investigation (CBI).

The directions of the learned Single Judge in the orders dated 07.02.2018 and 06.03.2018 have noted that the National Board of Examinations (NBE) which is in charge of the examination and conducted the process had complained to the Crime Branch of the Delhi Police on 30/31.01.2018. The record also shows that even prior to that, on 18.01.2018, the NBE had written to the appellant. The appellant’s complaint is that NBE has apparently not followed-up the process appropriately.

Sh. Deepak Khosla, learned counsel appearing for the appellant urges that this is an appropriate and fit case to exercise the discretionary jurisdiction of this Court to direct the handing-over of the investigation to the CBI. He places reliance upon various judgments of the Supreme Court to say that there can be ten circumstances involving public interest, many of which are present in the instant case, which warrant a direction for the investigation to be conducted by the CBI.

At the same time, the Court is of the opinion that the NBE should actively follow-up the issue and ensure that the FIR is registered at the most expedient time, having regard to the five-Judge Bench ruling of the Supreme Court in *Lalita Kumar v. Govt. of U.P.* 2014 (2) SCC 1. Delhi Police too is directed to take appropriate and consequential steps. The appeal is disposed of in the above terms.

Order *dasti*.

S. RAVINDRA BHAT, J

A. K. CHAWLA, J

MARCH 16, 2018/ajk