

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2020

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.16197 of 2020

and

WMP.Nos.20220, 20221 & 20222 of 2020

S. Krishna Kanth
S/o. Mr. Soundarajan.

... Petitioner

Vs.

1.National testing Agency(NTA),
Represented by its Chairperson,
No. C-20 1A/8, Sector 62,
IITK Outreach Centre,
NOIDA 201 309.

2.The National Medical Commission,
The Medical Council of India,
Represented by the Secretary,
Pocket 14, Sector 8, Dwaraka Phase 1,
New Delhi 110 077.

3.The Registrar,
Dr. M.G.R. Medical University,
No. 69, Anna Salai, Guindy,
Chennai 600 032.

4.Union of India,
Represented by its Secretary,
Human Resource Development,
Ministry 122-C Shastri Bhawan,
New Delhi 110 012.

5.The State of Tamilnadu,
Represented by its Secretary,
Health and Family Welfare Department,
Secretariat,
Chennai 600 009.

6.The Directorate of Medical Education,
Represented by Director,
No.162, Periyar EVR High Road,
Kilpauk,
Chennai 600 010.

7.The Deputy Secretary,
National Eligibility cum Entrance Test Unit,
Central Board of Secondary Education,
Shiksha Kendra No.2, Community centre,
Preet Vihar, New Delhi 110 092.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, call for the records pertaining to the score card of the petitioner issued by the 1st Respondent published on 16.10.2020 and quash the same as illegal and erroneous and consequentially direct fresh evaluation and issue correct score card in the name of the petitioner and further direct the third respondent to consider

the candidature of the petitioner for MBBS, BDS courses for the academic year 2020 and pass orders.

For Petitioner : Mr.Ramesh Venkatachalapathy

For Respondents : Mr.G.Nagarajan,
Standing counsel for 2nd respondent.

ORDER

This writ petition has been filed challenging the score card issued by the first respondent and published on 16.10.2020 and for a consequential direction to conduct a fresh evaluation and issue correct score card in the name of the petitioner and consider the candidature of the petitioner for MBBS, BDS courses during the academic year 2020-2021.

2.The main grievance of the petitioner is that he was allotted Test Booklet No.2131555 and he was allotted a centre at Vyasarpadi, Chennai. According to the petitioner, the answer booklet OMR sheet given to the petitioner contained Test Booklet No.2121555 and this was manually corrected by the invigilator by striking 12 and replacing it with

13 and According to the petitioner, the OMR sheet that was published is not that of the petitioner and it belongs to some other candidate and this has happened only due to the manual correction that was made by the invigilator with regard to the Test Booklet number.

3. When the matter came up for hearing on 10.11.2020, this court passed the following order:

“This Court heard Mr.G.Nagarajan, learned counsel appearing on behalf of the 2nd respondent. In each writ petition, the learned Standing Counsel had circulated the admit card, calculation sheet, answer sheet and the final score card of each candidate. The learned counsel by placing reliance upon these documents submitted that there is nothing to interfere and the final score card exactly reflects the actual marks that was secured by each candidate who has approached this Court.

2. The learned counsel appearing on behalf of the respective petitioners submitted that a verification of the original answer sheet is required since according to the petitioners, the copy circulated through the learned Standing Counsel does not reflect the correct position. In other words, the respective counsel

appearing on behalf of the petitioners submitted that the petitioners have attempted for more questions and it is shown in the calculation sheet as if they have left out a lot of questions and same is not factually correct.

3.This Court suggested that the learned Standing Counsel can get the original documents from the 2nd respondent and the respective counsel can go to the office of the learned Standing Counsel and verify for themselves. The learned Standing Counsel submitted that he will receive the original documents latest by 19.11.2020. The learned counsel or their juniors can go over to the office of Mr.G.Nagarajan, learned Standing Counsel on 20.11.2020 at 5.00 p.m. They can verify the original documents in his office.”

4.Pursuant to the above orders, the original documents were verified by the concerned counsel and their parties in the office of the standing counsel appearing on behalf of the second respondent.

5.When the matter was taken up for hearing today, the learned counsel for the petitioner again reiterated the stand taken in the writ petition to the effect that the OMR sheet does not pertain to the petitioner

and the markings made therein is not the handwriting of the petitioner and therefore this Court will have to summon the concerned Test Booklet No.2121555 and satisfy itself as to whether there was any interchanging of the OMR sheet.

6.Mr.G.Nagarajan, learned standing counsel appearing on behalf of the second respondent submitted that the ground raised by the petitioner is totally unsustainable. The learned counsel submitted that the Test Booklet No.2121555 pertained to a candidate named Ramkumar, who had his centre at Bala Vidhya Mandir, Adyar. The learned counsel also circulated the Attendance Register and submitted that this particular candidate was absent for the examination. Therefore, the learned counsel submitted that no useful purpose will be served in verifying the OMR sheet of the candidate who was assigned Test Booklet No.2121555, since he did not even write the examination.

7.In the considered view of this court, the NEET examinations are conducted on an All India basis and there is no necessity for the authorities to victimize any candidate. The scope interference in all these

matters is very limited and this court cannot conduct a roving enquiry as if, it is conducting a trial. This court will have to only *prima facie* satisfy itself with regard to the records produced by the respondents. This court is totally convinced with the explanation given by the second respondent and this court is not inclined to go into the disputed questions of facts, more particularly, since the learned standing counsel has clearly stated that the candidate who was allotted Test Booklet No.2121555 was absent for the examination and he did not even attend the examination. Therefore, no useful purpose will be served in calling for the OMR sheet of the concerned candidate for evaluation.

8.In the result, this writ petition is dismissed. No costs.

Connected miscellaneous petitions are closed.

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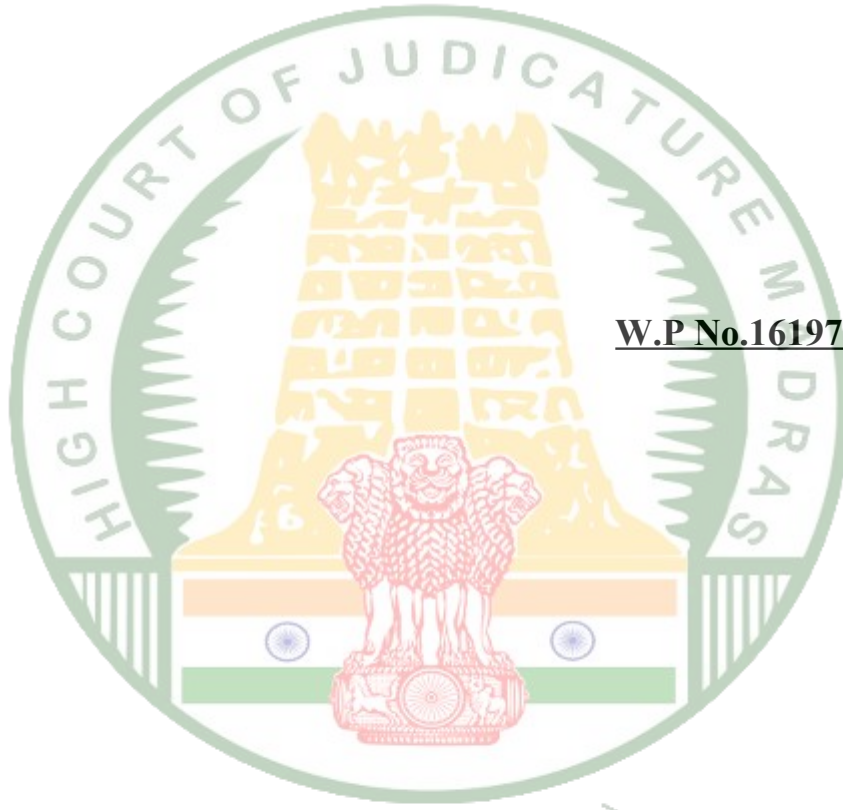


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