

AFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 4657 of 2021**

Kanika Agrawal, Aged about 20 years, D/o Rajkumar Agrawal, R/o
Bazaar Maholla Katghora, District Korba (C.G.) 495445

---- Petitioner**Versus**

1. State of Chhattisgarh through Department of Medical Education,
through Additional Chief Secretary, Mahanadi Bhawan, New
Raipur, Atal Nagar, Police Station Rakhi, District Raipur (C.G.)
2. National Testing Agency, First Floor, NSIC-MDBP Building, Okhla
Industrial Estate, New Delhi, Delhi 110020
3. National Medical Commission, Pocket-14, Sector – 8, Dwarka
Phase-1, New Delhi – 110077, India

---- Respondents

(Cause-title taken from Case Information System)

For Petitioner	:	Mr. Goutam Khetrapal, Advocate.
For Respondent/State	:	Mr. Vikram Sharma, Deputy Government Government.
For Respondent No. 2	:	Mr. P.R. Patankar, Advocate.
For Respondent No. 3	:	Mr. Ranbir Singh Marhas, Advocate.

Hon'ble Shri Arup Kumar Goswami, Chief Justice**Hon'ble Shri Justice Goutam Bhaduri, Judge****Order on Board****Per Arup Kumar Goswami, Chief Justice****18.11.2021**

Heard Mr. Goutam Khetrapal, learned counsel for the
petitioner. Also heard Mr. Vikram Sharma, learned State counsel for
respondent No. 1, Mr. P.R. Patankar, learned counsel for respondent
No.2 and Mr. Ranbir Singh Marhas, learned counsel for respondent No. 3.

2. The petitioner appeared in the NEET (UG)-2021 examination on 12.09.2021, the results of which were declared on 01.11.2021. The petitioner obtained 518 marks and accordingly, the petitioner had obtained All India Rank of 69686.

3. The case of the petitioner is that on close scrutiny of the OMR sheet and the final answer-sheet, according to her, she is entitled to 521 marks, whereas she was awarded only 518 marks. It is stated that the petitioner attempted '164' out of '180' questions and that while she had wrongly marked 27 questions, 137 questions were correctly marked. For every correct answer, the candidate is entitled to '4 marks' and for every wrong answer, there is negative marking of '1 mark'. It is on the above basis, it is stated that the petitioner is entitled to 521marks.

4. Mr. Patankar has made available copy of the answer-sheet, which is already on record, to Mr. Khetrapal and to the Court.

5. The entrance test for NEET (UG)-2021 consisted of 200 multiple choice questions (four options with single correct answer) from Physics, Chemistry and Biology (Botany & Zoology) and that 50 questions in each subject were divided into two sections (A and B). Section A consisted of 35 (Thirty five) questions in each subject (Question Nos – 001 to 035, 051 to 085, 101 to 135 and 151 to 185) and all questions were compulsory. Section B consisted of 15 (fifteen) questions in each subject (Question Nos – 036 to 050, 086 to 100, 136 to 150 and 186 to 200). In Section B, candidates were required to attempt any 10 (Ten) questions out of 15 (fifteen) in each subject. In bold letters, candidates were advised to read all 15 questions in each subject of Section B before

attempting to start and also indicating that in the event of a candidate attempting more than ten questions, the first ten questions answered by the candidate shall be evaluated.

6. Mr. Patankar submits that a bare-look at 'Section B' in the group '136 to 150' as also in the group '186 to 200', will go to show that the petitioner had attempted '11 questions' and as such, answers given to question Nos. '150' and '200' were ignored and therefore, though the petitioner had attempted '164' questions, it has to be taken that the petitioner had validly attempted '162' questions.

7. Submission made by Mr. Patankar is correct. The petitioner had, indeed, attempted 11 questions in question groups '136 to 150' and '186 to 200' and therefore, answers given to question Nos. 150 and 200 were ignored as they were the 11th question attempted in the respective groups of question. On evaluation, 136 answers were found to be correctly answered and 26 wrongly answered and accordingly, she was awarded 518 marks. It turns out that answer to question No. 150 was wrong and answer to question No. 200 was right. It is only when these two answers are taken into account, it can be said 137 questions are correctly answered and 27 wrongly answered, which is the case presented by the petitioner.

8. On due consideration, we find that no case is made out for interference by this Court and accordingly, the writ petition is dismissed. No cost.

Sd/-
(Arup Kumar Goswami)
Chief Justice

Sd/-
(Goutam Bhaduri)
Judge