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THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NOS.24494, 24094, 24288, 24313 & 24607 OF 2021
AND

W.M.P.NOS.25396, 25398, 25602, 25603, 25629, 25875,
25876, 25874, 25630 OF 2021

Thara Chandrika	... Petitioner in W.P.No.24494 of 2021
Rashmi Sathiah	... Petitioner in W.P.No.24094 of 2021
Sushilkkumar	... Petitioner in W.P.No.24288 of 2021
k.Indumathi	... Petitioner in W.P.No.24313 of 2021
K.Muthukkannan,	... Petitioner in W.P.No.24607 of 2021

.Vs.

1. The Union of India,
Represented by the Secretary of Government,
Ministry of Human Resource Development,
New Delhi.
2. The National Testing Agency,
National Eligibility-cum-Entrance Test (UG)-2020,
Rep. by its Secretary,
Department of Higher Education, MHRD,
NSIC MDPP Building,
Okal Industrial Estate Phase-III,
New Delhi - 110 020.
3. The Medical Counselling Committee,
Rep. by its Secretary,
All India Quota for Medical UG 2020,
The Directorate General of Health Services,
Government of India,
Room No.348, A Wing,
Nirman Bhavan, New Delhi.



4. The Directorate of Medical Education,
#162, Periyar EVR High Road,
Kilpauk, Chennai - 600 010.

5. The National Medical Council,
Represented by its Secretary,
Pocket 14, Sector 8,
Dwarka, New Delhi - 110 077.

... Respondents in
W.P.No.24313 of 2021

1. The Union of India,
Represented by the Secretary to Government,
The Ministry of Health and Family Welfare,
New Delhi.

2. The National Testing Agency,
(National Eligibility cum Entrance Test UG 2020),
The Department of Higher Education, MHRD,
C-20, 1A/8, IITK Outreach Centre,
Sector 62, Noida,
Uttar Pradesh - 201 039.

3. The Medical Counselling Committee,
Rep. by its Secretary,
All India Quota for Medical UG 2020,
The Directorate General of Health Services,
Government of India,
Room No.348, A Wing,
Nirman Bhavan, New Delhi.

4. The Directorate of Medical Education,
#162, Periyar EVR High Road,
Kilpauk, Chennai - 600 010.

5. The National Medical Council,
Represented by its Secretary,
Pocket 14, Sector 8,
Dwarka, New Delhi - 110 077.

... Respondents in
W.P.No.24494 of 2021

1. The Union of India,
Represented by its Secretary,
Ministry of Education,
New Delhi.

2. The National Testing Agency,
Represented by its Chairperson,
C-20 1A/8, Sector 62,
IITK Outreach Centre,
NOIDA - 201 309.



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3. The Medical Counselling Committee,
Represented by its Secretary,
Directorate General Health Services,
Government of India,
Room No.348, A Wing,
Nirman Bhavan, New Delhi.

4. The Directorate of Medical Education,
Represented by its Director,
No.162, EVR Periyar Salai,
Kilpauk, Chennai - 600 010.

... Respondents in
W.P.No.24094 of 2021

1. The Union of India,
Represented by Ministry of Education,
Ministry of Health and Family Welfare,
Room No.201-D, Nirman Bhawan,
New Delhi - 110 011.

2. The Medical Council of India,
Pocket -14, Phase -I,
Dada Dev Mandir Road,
Block P, Sector 8, Dwarka,
New Delhi - 110 077.

3. The National Testing Agency,
Represented by its Chairman,
First Floor, NSIC-MDBP Building,
Okhla Industrial Estate,
New Delhi - 110 020.

4. The Secretary to Government,
Health Department,
Fort St. George, Chennai.

5. The Directorate of Medical Education
Office of the Directorate of Medical Education,
Poonamallee High Road,
Chennai - 600 010.

... Respondents in
W.P.No.24288 of 2021

1. The Union of India,
The Ministry of Education,
Represented by its Secretary,
Shastri Bhawan, New Delhi - 110 011.

2. The Union of India,
Ministry of Health and Family Welfare,
Represented by its Secretary,
Nirman Bhawan, New Delhi - 110 011.



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3. The Union of India,
Ministry of Ayush,
Represented by its Secretary,
Ayush Bhawan, B-Block,
GPO Complex, New Delhi - 110 023.
4. The National Medical Commission,
Pocket 14, Sector 8,
Dwarka Phase 1,
New Delhi - 110 077.
5. The National Testing Agency,
Rep. by its Chairperson,
First Floor, NSIC - MDBP Building,
Okhla Industrial Estate,
New Delhi - 110 020.
6. The State of Tamil Nadu,
Represented by The Secretary,
Health and Family Welfare Department,
Fort St. George,
Chennai - 600 009.
7. The Director,
The Public Health and Preventive Medicine,
The Directorate of Health Services,
359, Anna Salai, Teynampet,
Chennai - 600 006.

... Respondents in
W.P.No.24607 of 2021

PRAYER IN W.P.NO.24494 OF 2021:-

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of MANDAMUS or any other appropriate Writ or Order or direction in the nature of Writ directing the 2nd Respondent to award marks to the petitioner bearing Roll No.4115001458 Text booklet Code N5 to question Nos.80, 86, 87, 90 to 92,94, 96 to 98, 100 in National Eligibility cum Entrance Test (UG) 2021 held on 12.09.2021 and consequently issue a fresh score card by placing the petitioner in appropriate place in the Rank List.

PRAYER IN W.P.NO.24094 OF 2021:-

Writ Petition filed under Article 226 of the Constitution of India praying for issuance or writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS directing the 2nd respondent to manually re-total/re-check the NEET(National Eligibility Cum Entrance Test) (UG-2021) OMR (Optical Mark



Reader) Answer Sheet of the Petitioner based on the Answer key published on 15.10.2021, revising the rank list and consequently directing the 3rd/4th Respondent to permit the Petitioner to participate in the counselling process.

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PRAYER IN W.P.NO.24288 OF 2021:-

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus or any other order or writ in the nature of Writ of Mandamus directing the 3rd Respondent to complete the Revaluation process in Respect of Petitioner Roll No.4101108046 in the NEET exam conducted by the 3rd Respondent on 12.09.2021, before the declaration of Main Result of the said Exam.

PRAYER IN W.P.NO.24313 OF 2021:-

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of writ of Certiorari Mandamus, calling for the records from National Eligibility Cum Entrance Test(UG) - 2021 Score card issued in the name of the petitioner dated 01.11.2021 and quash the same and issue directions to the 2nd respondent declare the petitioner's result and as per first answer keys uploaded on 15.10.2021 and issue consequently directions to the 3rd and 4th respondents to allow the participation of the petitioner in counseling for admission to Medical Courses(UG) 2021 with reference to 576 out of 720 marks in NEET (UG) 2021 and accordingly provide her admission to Medical Course(UG).

PRAYER IN W.P.NO.24607 OF 2021:-

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus any other appropriate Writ, order or direction in the nature of writ of Mandamus for a Direction, directing the 5th respondent/National Testing Agency to set right the illegal, erroneous and patently discriminatory and arbitrary score card dated 01.11.2021 in respect of M.Manikandan's NEET (UG) 2021 Examination with Roll No.4112003006 and Application No.210410299681 in so far as to factor the correct and entitled total marks with corresponding marks in Physics, Chemistry, Botany and Zoology and to issue the score card factoring the entitled total scores with corresponding total percentile of scores comprising subjects viz.physics, chemistry, botany and zoology and to factor the entitled All India Rank in corroboration, comparison and reconciliation between the OMR Answer Sheet of Roll



No.4112003006 and Application No.210410299681 and the answer keys provided for Test Booklet N-5 as uploaded in the webpage of the 5th respondent/NTA.

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W.P.NO.24494 OF 2021

For Petitioner : Mr.R.N.Amarnath

For Respondent R1 : M/s.A.R.Sakthivel
Senior Panel Counsel
Central Government Counsel

For Respondent R2 : M/s.Sunitha Kumari
Senior Counsel

For Respondent R3 : No appearance

For Respondent R4 : Mr.U.Baranidharan
Additional Government Pleader

For Respondent R5 : M/s.Shubharanjani Ananth

W.P.NO.24094 OF 2021

For Petitioner : Mr.E.Manoharan

For Respondent R1 : Mr.K.Srinivasa Murthy
Senior Panel Counsel

For Respondent R2 : M/s.Sunitha Kumari
Senior Counsel

For Respondent R3 : No appearance

For Respondent R4 : Mr.U.Baranidharan
Additional Government Pleader

W.P.NO.24313 OF 2021

For Petitioner : Ms.Kanimozhi Mathi

For Respondent R1 : No appearance

For Respondent R2 : M/s.Sunitha Kumari
Senior Counsel

For Respondent R3 : No appearance



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W.P.NO.24607 OF 2021

For Respondent R4 : Mr.U.Baranidharan
Additional Government Pleader

For Respondent R5 : M/s.Shubharanjani Ananth

For Petitioner : Mr.Thirumalai Rajagopal

For Respondent : M/s.Sunitha Kumari
(R1 to R3) Senior Counsel

For Respondent R4 : Mr.U.Baranidharan
Additional Government Pleader

For Respondent : No appearance
(R5 to R7)

W.P.NO.24288 OF 2021

For Petitioner : Mr.K.Venkateswaran

For Respondent R1 : Mr.P.G.Santhosh Kumar

For Respondent R2 : M/s.Shubharanjani

For Respondent R3 : M/s.Sunitha Kumari
Senior Counsel for R3

For Respondent R4 : Mr.U.Baranidharan
Additional Government Pleader

For Respondent R5 : No appearance

C O M M O N O R D E R

Since, the prayer in all the writ petitions are one and the same and they are taken up together and disposed of by this common order. The prayer in all the writ petitions directing the respondents herein, namely National Testing Agency(NTA) to look over the results published on 01.11.2021 and to verify the marks secured by the petitioners and award the exact marks scored by the petitioners and direct the respondents to take appropriate action for discrepancy. It is the claim of the petitioners that as per the mark sheet downloaded by them are entitled to more marks than what is awarded in the results.



2. Learned counsel for the petitioners requested this Court to direct the respondents to produce the original mark sheet and to enable the candidates to verify as to the authenticity of the marks. Pursuant to the said request, this Court had issued a direction to the NTA to produce the original mark sheet and accordingly, NTA produced the original mark sheet before this Court and on perusal of the original mark sheet, it reveals that the original mark sheet and the downloaded mark sheet do not tally with each other.

3. Accordingly, in view of discrepancy in the downloaded mark sheet and the original mark sheet, this Court cannot adjudicate the same as it is a disputed question of fact, which cannot be gone into in the writ petition. Therefore, this Court is not inclined to issue any direction as sought by the petitioners in the present writ petitions.

4. Accordingly, all the writ petitions are dismissed. However, it is made clear that citing the mark sheet downloaded by the petitioner, NTA cannot debar the students from participating in the future examinations.

5. With the above directions, the present writ petitions are dismissed and the connected miscellaneous petitions also dismissed.

Sd/-
Deputy Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary of Government,
The Union of India,
The Ministry of Human Resource Development,
New Delhi.
2. The Secretary,
The National Testing Agency,
The National Eligibility-cum-Entrance Test(UG) - 2021,
Department of Higher Education, MHRD,
NSIC MDPP Building,
Okal Industrial Estate Phase-III,
New Delhi - 110 020.



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3. The Secretary,
The Medical counselling Committee,
All India Quota for Medical UG 2020,
The Directorate General of Health Services,
The Government of India,
Room No.348, A Wing,
Nirman Bhavan, New Delhi.
4. The Directorate of Medical Education,
#162, Periyar EVR High Road,
Kilpauk, Chennai - 600 010.
5. The Secretary,
The National Medical Council,
Pocket 14, Sector 8,
Dwarka, New Delhi - 110 077.
6. The Secretary,
The Union of India,
The Ministry of Education,
New Delhi.
7. The Chairperson,
The National Testing Agency,
C-20 1A/8, Sector 62,
IITk Outreach Centre,
NOIDA - 201 309.
8. The Medical Council of India,
Pocket -14, Phase -I,
Dada Dev Mandir Road,
Block P, Sector 8, Dwarka,
New Delhi - 110 077.
9. The Secretary to Government,
The Health Department,
Fort St. George,
Chennai.
10. The Directorate of Medical Education,
Office of the Directorate of Medical Education,
Poonamallee High Road,
Chennai - 600 010.
11. The Secretary,
The Union of India,
Ministry of Ayush,
Ayush Bhawan,
B-Block, GPO Complex,
New Delhi - 110 077.



12. The Ministry of Education,
The Ministry of Health & Family Welfare,
Room No.201-D, Nirman Bhavan,
New Delhi - 110 011.

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13. The Director,
The Public Health and Preventive Medicine,
The Director of Health Service,
359, Anna Salai, Teynampet,
Chennai - 600 006.
14. The National Testing Agency,
(National Eligibility-cum-Entrance Test (UG)-2020),
The Department of Higher Education, MHRD,
C-20, 1A/8, II TK, Outreach Centre,
Section - 62, Noida,
Uttar Pradesh - 201 039.
15. The Chairman,
The National Testing Agency,
First Floor, NSIC - MDBP Building,
Okhla Industrial Estate,
New Delhi - 110 020.
16. The Secretary,
The Health and Family Welfare Department,
Fort St. George,
Chennai - 600 009.

+1cc to Mr.Thirumalai Rajagopal, Advocate, S.R.No.60861
+1cc to Mr.E.Manoharan, Advocate, S.R.No.60850
+1cc to Mr.R.N.Amarnath, Advocate, S.R.No.60405
+4ccs to M/s.A.R.Sakthivel, Advocate, S.R.Nos.60336 & 60337
+2ccs to M/s.Sunitha Kumari, Advocate, S.R.No.60222
+1cc to Mr.K.Venkateswaran, Advocate, S.R.No.60254
+1cc to the Government Pleader, S.R.Nos.60657, 60675 & 60676

W.P.NOS.24494,24094,24288,24313 &
24607 OF 2021 AND W.M.P.NOS.25396,
25602, 25603, 25398, 25875, 25876,
25812, 25874, 25630 OF 2021

KSM(CO)
PBS/06/01/2022