

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 23501 of 2022

Palak Rajpoot

.....

Petitioner

Mr. D. Mohapatra, Adv.

Vs.

Union of India and others

.....

Opposite Parties

Mr. B. Moharana, CGC

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE G. SATAPATHY

ORDER

17.10.2022

Order No.

04.

This matter is taken up through hybrid mode.

2. Heard Mr. Dayananda Mohapatra, learned counsel for the petitioner and Mr. B. Moharana, learned Central Government Counsel appearing for the opposite parties.

3. Mr. Dayananda Mohapatra, learned counsel for the petitioner files rejoinder affidavit in Court today after serving copy thereof on Mr. B. Moharana, learned Central Government Counsel appearing for the opposite parties.

4. This Court, vide order dated 13.09.2022, issued notice to the opposite parties on the ground that the petitioner appeared in the NEET (UG Examination, 2022) conducted by the opposite parties for admission into MBBS Course having Roll No.6117373, pursuant to which when result was published, it was found that she has come out successful. But when the petitioner downloaded her OMR answer sheet, which was uploaded by the opposite parties, it was found that the bar code referred to in the said OMR answer sheet did not tally with her roll number and, as such, the same belonged to another roll no., i.e., 6133177. Thus, a doubt arose in the mind of the petitioner that the OMR answer sheet uploaded by the opposite parties does not belong to her. As such, learned counsel for the opposite parties was directed to keep the original

OMR answer sheet of the petitioner with him to produce the same before this Court at the time of hearing.

5. Pursuant to notice issued, opposite parties have filed counter affidavit, paragraphs-24 and 25 whereof, read as thus:-

“24. That is submitted that the contention of the petitioner that Bar Code number does not tally with the Answer Sheet number is totally misconceived and unfounded. The reading of the Bar Code is unique code for identification and confidentially of the OMR and does not match with the Answer Sheet Number. It is pertinent to mention that the reading of the Bar Code Sheet i.e. 6133177 is also mentioned on the Calculation Sheet of the petitioner which was prepared during the evaluation of the OMR Answer Sheet.

The procedure of evaluation of OMR Answer Sheet of NEET(UG) 2022 is detailed in the Statement of Chief Secrecy Officer (CSO) of NEET (UG) 2022, which is annexed here with as Annexure-I.

25. That it is submitted that the petitioner herself has affixed her thumb impression on the OMR Answer Sheet in the presence of the invigilator(s) and the same sheet has been evaluated. Further, the Petitioner of the Respondent herein are not competent to verify as to whether the thumb impression affixed on the sheet is of the Petitioner or not, as the same can only be verified by an expert in the field of thumb impression. The Respondent has evaluated the sheet received from the Centre and there are no two OMR Answer Sheets under the same Roll Number or name, as of the Petitioner. Therefore, the present writ petition is liable to be dismissed as unfounded, unsustainable and being devoid of any merit.”

6. In compliance of the order dated 13.09.2022, Mr. B. Moharana, learned Central Government Counsel appearing for the opposite parties has received the OMR answer sheet, pursuant to the order dated 29.09.2022 and, as such, the same is produced in Court today at the time of hearing.

7. Mr. Dayananda Mohapatra, learned counsel for the petitioner contended that in the event an opportunity is given to

the petitioner to see the OMR answer sheet which has been relied upon by her in the writ petition, then she can ascertain whether the OMR answer sheet uploaded is genuine or not.

8. As requested by Mr. Dayananda Mohapatra, learned counsel for the petitioner, this Court called upon Mr. B. Moharana, learned Central Government Counsel appearing for the opposite parties to open the sealed cover in which the OMR answer sheet has been kept and, as such, the same was opened in Court today in presence of both the counsel to give opportunity to Mr. Dayananda Mohapatra, learned counsel for the petitioner to peruse the same. But on verification of the same, it was found that the uploaded OMR answer sheet is tallied with the OMR answer sheet produced by the learned Central Government Counsel.

9. Mr. Dayananda Mohapatra, learned counsel for the petitioner contended that since OMR answer sheet is tallied, no case is made out in favour of the petitioner.

10. In such view of the matter, since disputed question of facts are involved in this writ petition and, as such, on verification it is found that the OMR answer sheet relied upon by the petitioner is tallied with the OMR answer sheet produced by learned Central Government Counsel, this Court does not find any merit in the writ petition.

11. Accordingly, the writ petition merits no consideration and the same is hereby dismissed.

(DR. B.R. SARANGI)
JUDGE

(G. SATAPATHY)
JUDGE