

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.8303 OF 2022

**DR.VANDANA BAJRANGRAO GAISAMUDRE
VERSUS
THE UNION OF INDIA THROUGH ITS SECRETARY AND
OTHERS**

...
Advocate for the Petitioners : Shri Khot Abhinay D.
ASGI for Respondents 1, 3 to 5/UoI : Shri Ajay Talhar and
Ms.Sudha Chintamani.
AGP for Respondent 2/State : Shri S.G. Karlekar
...

**CORAM : RAVINDRA V. GHUGE
&
ARUN R. PEDNEKER, JJ.**

DATE :- 26th August, 2022

Per Court :-

1. By this petition, the petitioner has put forth prayer
clauses B to G as under :-

- “B) *By way of writ of mandamus or any other appropriate writ, order or direction in the like nature, this Hon’ble High Court may kindly direct the respondent no.3 and 4 to consider the candidature of the petitioner from Indian Nationality instead of Non Resident Indian (NRI) category for admission to the PG course pursuance to the NEET-PG Examination-2022;*
- C) *By way of writ of mandamus or any other appropriate writ, order or direction in the like nature, this Hon’ble High Court may kindly direct the respondent no.3 to issue fresh score*

- card in the name of the petitioner thereby showing the nationality of the petitioner as Indian instead of Non Resident Indian (NRI);*
- D) *By way of writ of mandamus or any other appropriate writ, order or direction in the like nature, this Hon'ble High Court may kindly direct the respondent no.3 to include the name of the petitioner in the list of All India 50% Quota Seats from Reserved Category in pursuance of NEET PG Examination-2022;*
- E) *Pending hearing and final disposal of the present Writ Petition, this Hon'ble High Court may kindly direct the respondent no.3 and 4 to consider the candidature of the petitioner from Indian Nationality instead of Non Resident Indian (NRI) category for admission to the PG course pursuance to the NEET-PG Examination-2022;*
- F) *Pending hearing and final disposal of the present Writ Petition, this Hon'ble High Court may kindly direct the respondent no.3 to issue fresh score card in the name of the petitioner thereby showing the nationality of the petitioner as Indian instead of Non Resident Indian (NRI);*
- G) *Pending hearing and final disposal of the present Writ Petition, this Hon'ble High Court may kindly direct the respondent no.3 to include the name of the petitioner in the list of All India 50% Quota Seats from Reserved Category in pursuance of NEET PG Examination-2022;”*

2. The petitioner has contended that she belongs to the Scheduled Caste category. A specific certificate has been issued in her favour. The same was offered for verification to the Caste Scrutiny Committee, Pune and the Committee has issued the

caste validity certificate in her favour.

3. The petitioner has completed her SSC education in 1992, followed by her HSC in 1994. She has scored 68.85% and 77.50%, respectively, in these two examinations. She acquired admission to the MBBS course from the reserved category and was, upon passing the MBBS course, enrolled with the Maharashtra Medical Council. She initially resorted to private practice and subsequently, was appointed as the Medical Officer with the Government of Maharashtra on 11.03.2011. She is presently 44 years of age.

4. In response to the NEET PG Examination-2022 having been declared, the petitioner applied for admission to the PG Regular as well as PG Diploma course. She filled in the NEET PG 2022 examination form in the light of the time schedule declared by the authorities. Availability of the information bulletin was from 15.01.2022 onwards. The submission of online application was scheduled from 15.01.2022 (03:00 PM onwards) till 11:55 PM on 04.02.2022. The scope to edit the form was permissible between 08.02.2022 till 11.02.2022. The final edit window was opened to rectify the incorrect photograph, signature and thumb impression in

between 24.02.2022 till 27.02.2022. Admit card was to be issued on 07.03.2022. The examination date was scheduled on 12.03.2022 and the declaration of results was scheduled on 31.03.2022.

5. By notice dated 04.02.2022, the National Board of Examination in Medical Sciences, New Delhi, with regard to the NEET PG Examination-2022, re-scheduled the time table. The revised date for online submission of the application form was till 11:55 PM on 25.03.2022. Edit window was opened for all candidates from 29.03.2022 till 07.04.2022. Final edit window to rectify the deficient/incorrect images/signature/thumb impression, from 26.04.2022 to 30.04.2022. The date for issuance of admit card was extended to 16.05.2022. The date of examination was rescheduled to 21.05.2022 and the results were to be declared on 20.06.2022. This final time table has been followed, the examinations have been held and the results have been declared.

6. The petitioner concedes that after filling in the online form, she did not cross check or recheck the said form. She also did not take advantage of the edit window being opened. While filling in personal details, she has mentioned her

nationality as “Indian” and to the question “*Are you a Non Resident Indian (NRI)?*”, she has answered as “YES”. This form was not cross checked by her. She admits that she did not open the edit window even when it was available for editing the details set out in the application, even in the extended period upto 30.04.2022. It is contended that after the declaration of results, in which, she has scored 320 out of 800 marks and her NEET PG-2022 rank is 67489, that she realized that her nationality was shown as NRI. This petition has been filed on 26.07.2022.

7. The prayer of the petitioner is, and as is reflected in the prayer clauses, that the NEET PG Examination 2022 portal should be reopened to enable the petitioner to edit her online application form, to answer as “NO” to her NRI status. It is further submitted that her score may be revised and she be granted admission to the PG course from the quota reserved for the Scheduled Caste category. She has further prayed that a fresh score card may be issued.

8. We find that the petitioner ought to have been diligent and careful while filling in the online form. She is a practicing Medical Officer and has put in more than 20 years. Even if it is assumed that she committed a mistake, the edit

window was opened on two occasions with the advantage of extension to edit the form until 07.04.2022 and to rectify the deficient information/incorrect images upto 30.04.2022. It is candidly stated that once the application form was filled in, the petitioner did not give a second look to the form and did not open the edit window at any time. The learned ASGI submits that the status as regards “NRI”, could be edited. There was no embargo. The status “Nationality” could not be edited. In these circumstances, it could be the petitioner who could blame herself.

9. We have perused the NEET PG 2022 Examination Information Bulletin. Chapter 2 pertains to information for candidates. It is set out in clause 2.4 that the candidates are advised to read the information bulletin carefully and go through the instructions for submission of the online application form. They were also advised to visit NBEMS website i.e. <https://nbe.edu.in> before starting the online application submission process. Clause 2.5 creates a presumption that the candidates are deemed to have read, agreed and accepted the information bulletin and the terms and conditions while completing the online submission of the application. Clause 2.7

indicates that the candidates should ensure that all the information entered during the online submission of application form is correct and factual. An option of editing certain information entered in the application form was available to the candidates during the edit window. Separate instructions to fill the NEET PG 2022 application form were also provided. Clause 2.8 indicates that NBEMS does not edit, modify or alter any information entered by the candidates at the time of submission of online application form under any circumstance and there is no provision for change in information after the conduct of examination and/or declaration of results. Such requests shall not be entertained.

10. It is conceded that the score card of the NEET PG course examination was uploaded on 01.06.2022. This petition has been preferred on 26.07.2022. Clauses 2.7 and 2.8 debar a candidate from seeking any liberty to correct the application form after the final date prescribed. Examinations are over and the results have been declared. When the Rules do not permit a candidate to seek a correction in the form after the edit window is closed and surely not after the examinations are over and the results are declared, we cannot exercise our discretion to permit a

candidate to do so since there would be flood of candidates making such requests and the entire examination schedule and allotment of PG seats pursuant to the NEET PG 2022 examinations, would be in disarray, resulting in a chaotic situation.

11. In view of the above, we do not find that this Writ Petition could be entertained and the same is, therefore, dismissed.

kps (ARUN R. PEDNEKER, J.) (RAVINDRA V. GHUGE, J.)