



W.P.No.25119 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2022

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THE HONOURABLE Mr.JUSTICE R.SUBRAMANIAN

W.P. No.25119 of 2022

C.Barath

... Petitioner

Vs

- 1.Union of India
Represented by its Secretary
Ministry of Education
New Delhi.
- 2.National Testing Agency
C-20, 1A/8, Sector-62
IITK Outreach Centre
Noida - 201 309.
- 3.The Chairman
National Medical Commission
Pocket-14, Sector-8
Dwarka Phase-I
New Delhi - 110 077.
- 4.Medical Counselling Committee
The Director General of Health Services
Ministry of Health and Family Welfare
Nirman Bhavan, Moulana Azad Road
New Delhi - 110 011.



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5.The Selection Committee
Director of Medical Education
No.162, Periyar EVR Salai
Kilpauk, Chennai - 600 010.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider representation of the petitioner dated 10.09.2022 and accordingly direct the second respondent to re-gradation / revaluation the NEET (National Eligibility cum Entrance Test) (UG)-2022 OMR (Optical Mark Reader) Answer Sheet of the petitioner (No.6713388) based on the Answer key published on 01.09.2022, and should award 242 marks and revising the rank list and consequently directing the third/fourth respondents to permit the petitioner to participate in the counselling process.

For Petitioner : Ms.A.Pramila

For Respondents : Ms.Sunitakumari for R2
Ms.M.Sneha for R5
Ms.Shubaranjani Ananth for R3

ORDER

The petitioner seeks revaluation / re-gradation of Optical Mark Reader [OMR] Answer Sheet for the NEET Examination 2022 based on the key answers published on 01.09.2022.



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2. The petitioner would seek revaluation on the ground that according to her calculation, she should have obtained 242 marks in the examination on a comparison with the key answers.

3. Ms.Sunitakumari, learned counsel appearing for the National Testing Agency would submit that there is no provision for revaluation or re-gradation of the answer sheets as per the procedure prescribed by the National Testing Agency. She would point out that the answer sheets are all being read by computers and since they are all capable of optical mark recognition, no re-valuation is possible. She would rely upon the Information Bulletin given to the candidates.

4. Clause 14.4 of the Information Bulletin deals with re-checking/re-evaluation of answer sheets, and the same reads as follows :

'14.4 Re-checking/re-evaluation of answer sheets

- *The machine-gradable Answer Sheets are evaluated with extreme care and are repeatedly scrutinized.*
- *There is no provision for re-checking/re-evaluation of the answer sheets. This is because of the following reasons :*
 - i. *The OMRs are machine gradable and are being evaluated through specific software impartial to all.*



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ii. *The candidates are given an opportunity to make the representation of the OMR gradation of their OMR sheets and also given an opportunity to challenge the answer key in case of any doubt*

- ***No correspondent in this regard will be entertained.'***

5. From the above clause, it is clear that no re-gradation or re-checking is permitted. The OMRs are machine-gradable and they are being evaluated through specific software which is impartial to all. If the examining authority does not make a provision for re-valuation or re-evaluation or re-gradation or re-checking of the answer sheets, this Court exercising powers under Article 226, cannot allow the request for re-valuation / re-gradation / re-checking / re-evaluation. In fact, the Information Bulletin provides an opportunity to the candidates to challenge the correctness of the valuation and that should be done within the time granted.

6. In the case on hand, the examination was conducted on 17.07.2022 and OMRs were uploaded on 30.08.2022 and the candidates were given time till 02.09.2022 to challenge the correctness of the valuation. Admittedly, the petitioner has not challenged the correctness of the valuation within the time stipulated. It should also be pointed out that there is no power vested in the



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National Testing Agency for condonation of delay.

7. The original OMR was produced by the learned counsel for the National Testing Agency and the learned counsel appearing for the petitioner herself compared it with the key answers and conceded that the petitioner has been awarded correct marks only. In view of the above, I do not find any merit in the writ petition, and the writ petition stands dismissed. No costs.

23.09.2022

Index : Yes / No
Speaking order / Non-speaking order
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R.SUBRAMANIAN. J.,

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