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W.P. No.27777 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2022

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. No.27777 of 2022 and
W.M.P.No.27069 of 2022

B.Srivardhini

... Petitioner

Vs.

1.The Union of India

Rep. By its Secretary to Government
Department of Health and Family Welfare Services,
New Delhi – 110 011.

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 – 1,
New Delhi – 110 077.

4.The Convener,
Centralized Admission Committee (CENTAC),
Pondicherry Engineering College Campus,
Pillaichavadi, Puducherry – 605 014.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India,
praying for issuance of a Writ of Mandamus directing the 2nd respondent



W.P. No.27777 of 2022

to publish the Original OMR Sheet of the petitioner published in the official website of the 2nd respondent bearing Roll No.3701030165 with Test Booklet/Answer Sheet No.7133509 and Test Booklet Code -Q5, as per the Answer Key, thereby declaring the correct mark and rank position of the petitioner in the overall NEET ranking list, and further direct the respondents 1, 3 and 4 to permit the petitioner to participate in the medical counseling so to be conducted by the 4th respondent for the State Quota and by the 1st respondent for the All India Quota.

For Petitioner : Mr.B.Balavijayan

For Respondents : Mr.A.Prakash
ACGSC for R1
: Ms.Sunita Kumari
Standing Counsel for R2
: Ms.Subharanjani Ananthi
Standing Counsel for R3
: Mr.C.T.Ramesh
Addl. Govt. Pleader for R4

ORDER

The prayer sought for herein is for a writ of Mandamus directing the 2nd respondent to publish the Original OMR Sheet of the petitioner published in the official website of the 2nd respondent bearing Roll No.3701030165 with Test Booklet/Answer Sheet No.7133509 and Test Booklet Code -Q5, as per the Answer Key, thereby declaring the correct mark and rank position of the petitioner in the overall NEET ranking list,



W.P. No.27777of 2022

and further direct the respondents 1, 3 and 4 to permit the petitioner to participate in the medical counseling so to be conducted by the 4th respondent for the State Quota and by the 1st respondent for the All India Quota.

2. The petitioner written the 2022 NEET UG Examination, his Roll No.3701030165 and his Test Booklet and the Answer Sheet Number No.7133509 with the Test Booklet Code as Q5.

3. Since the mark awarded to the petitioner according to the petitioner estimation is very lower, therefore in order to verify the original OMR answer sheet, the petitioner made request to the respondents and in order to consider the same and to produce the original mark sheet of OMR of 2022 NEET UG examination of the petitioner for perusal, the present writ petition has been moved.

4. When similar writ petition was moved in W.P.No.26149 of 2022 by order dated 27.09.2022, this Court having considered the similar plea has passed the following orders:

“5. Having regard to the said submission made by the



W.P. No.27777of 2022

learned Standing Counsel for NTA, learned counsel for the petitioner submits that the petitioner is ready and willing to travel to New Delhi and attend the office of the second respondent at New Delhi and in this regard, a date shall be fixed and communicated by the second respondent through the counsel so that the petitioner can travel to New Delhi and present on that date to see the OMR Sheet.

6. Having regard to the above submissions, this Court is inclined to dispose of this writ petition with the following order.

- That there shall be a direction to the second respondent to fix a date for the presence of the petitioner along with her father/guardian to visit the office of the second respondent at Noida within a period of ten (10) days from today and the date so fixed should be intimated in advance to the petitioner by sending an e-mail. That apart it may also be communicated through the learned Standing Counsel for the second respondent to the learned counsel for the petitioner also.
- On the date to be fixed and intimated by the second respondent, it is open to the petitioner along with her father / guardian to travel to the second respondent



office, where, on the date and time to be fixed in this regard as indicated above, the second respondent would show the original OMR answer sheet to the petitioner, who can peruse the same.”

5. For the very same arrangement, both the petitioner counsel as well as the learned Standing Counsel for the NTA have agreed and therefore, the following directions are issued in this writ petition also.

(i) That there shall be a direction to the second respondent to fix a date for the presence of the petitioner along with her father/guardian to visit the office of the second respondent at Noida within a period of ten (10) days from today and the date so fixed should be intimated in advance to the petitioner by sending an e-mail. That apart it may also be communicated through the learned Standing Counsel for the second respondent to the learned counsel for the petitioner also.

(ii) On the date to be fixed and intimated by the second respondent, it is open to the petitioner along with her father / guardian to travel to the second respondent office, where, on the date and time to be fixed in this regard



W.P. No.27777of 2022

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as indicated above, the second respondent would show the original OMR answer sheet to the petitioner, who can peruse the same.

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

18.10.2022

Index : Yes/No

Speaking order : Yes/No

Note : Issue order copy on 19.10.2022

Sgl

To

1.The Secretary to Government
The Union of India
Department of Health and Family Welfare Services,
New Delhi – 110 011.

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,
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W.P. No.27777of 2022

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W.P. No.27777of 2022

R.SURESH KUMAR, J.

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W.P. No.27777 of 2022

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