

Ashwini

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 15705 OF 2022**

Shreya Shirish Katkar ...Petitioner
Versus
National Testing Agency ...Respondent

Ms Manisha Jagtap, with Karan Rasane, for the Petitioner.
Mr Rui Rodrigues, for the Respondent.

**CORAM G.S. Patel &
 Neela Gokhale, JJ.**
DATED: 22nd February 2023

PC:-

1. It is not possible to grant relief to the Petitioner. The reliefs in the Petition (as amended) read thus:

“(A) This Hon’ble Court may be pleased to call for the records and proceeding from the office of the Respondent with respect to the National Eligibility Entrance Test (NEET), 2020 in which the Petitioner had participated and relevant documents with respect to the same including the action taken upon the representation of the Petitioner;

(B) This Hon’ble Court may be pleased to issue a writ of mandamus and/or any other appropriate writ and/or direction and/or order and thereby direct the Respondent to change the Petitioner’s status in result of NEET-2020

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from open merit category to OBC category as the Petitioner belongs to the Nomadic Tribe (NT) category;

(B-1) This Hon'ble Court may be pleased to issue a writ of certiorari and/or any other appropriate writ and/or direction and/or order and thereby quash and set aside the Order/ Report Order/ Report dated 30.12.2022 whereby the representation of the Petitioner to correct her status in the National Eligibility Cum Entrance Test 2020 Examination as a candidate belonging to OBC category."

(Emphasis added)

2. The reason the Petitioner requires a correction at a late stage is that, after having spent a year studying in a course to which she gained admission in the open category, and now finding that she does not meet the qualifying or cut-off marks in that open category to continue, she seeks to have her original category changed to Bhoi, a Nomadic Tribe.

3. The Petitioner seeks something both impossible and unfair. There is a reason why digital systems exist and why they are, after several rounds, in a locked state. One of the objectives is precisely to prevent latter-day alterations. This was a persistent and recurring issue in manual record-keeping with myriad undesirable situations. Therefore, locked digital records cannot be scrubbed or altered at a late stage. To allow that would potentially open the doors to tampering.

4. Mr Rodrigues on behalf of the Respondent submits that the Petition glosses over crucial facts, including the various

opportunities afforded to all to correct records before these were locked. He points to the decision dated 30th December 2022. He says that although this is assailed, it is a carefully considered decision and the facts that it reveals have not been sufficiently highlighted or disclosed. For example, paragraph 5 indicates that all candidates had multiple windows of correction to enable them to correct entries in online applications. This opportunity was extended to all candidates on as many as at eight different occasions. Several categories of entries, records and fields were open to correction, including caste, etc. This means that there were eight opportunities to rectify an initial entry error. Public notices to this effect were on the official portal for the information of all candidates. The last public notice was of 23rd September 2020. All were put to notice that the corrections had to be done carefully as this was the last chance. They were asked to verify their application forms carefully clearly meaning that no further corrections were possible thereafter. The Petitioner did not make the rectification which is now sought at any of these available eight windows of opportunity.

5. Then this document at page 166-B says that the data result of all candidates, including the Petitioner, along with the All India Rank was delivered to the Office of the Director General of Health Services on 26th October 2020 for counselling/admission. The Petitioner underwent that counselling/admission. She thereby accepted her ranking, all-India, in the open category.

6. For these reasons, the director of the Respondent says clearly that the data submitted by the Petitioner in her online application form is not now open to change especially after the declaration of the results and especially after this result, an All India Ranking and merit list of successful candidates, has been handed over and delivered to the Director General of Health Services.

7. The Petitioner says that hers is a simple application. It only affects her. That is also incorrect. This is the butterfly effect. The so-called little change has an unforeseeable outward ripple that grows and expands exponentially. It is bound to affect the drawing up of the All India Rank and the merit list, because it automatically moves the Petitioner from an open category to a reserved category *from the date of inception*. That affects the structure of the entire list. There is no method to make a retrospective change, apply it only prospectively and also limit its application. That would mean that every single person likely to be affected must be joined as a respondent to the Petition.

8. Lastly, applications like this, if allowed can only lead to a great deal of mischief and manipulation. All it takes is one case. After that, there is likely to be a torrent of mischievous manipulations. That is in nobody's interest.

9. The Petition is rejected. No costs.

(Neela Gokhale, J)

(G. S. Patel, J)