



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 3264/2023

(MOHAMAD FAISAL FAIYAZ AHMED QURESHI **VERSUS** UNION OF INDIA & OTHERS)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri A.P Barahate, counsel for the petitioner.
Shri S.A. Chaudhari, counsel for the respondent nos.1 to 3 and 5.
Ms S.S. Jachak, Assistant Government Pleader for the respondent no.4.
Shri J.B. Kasat, counsel for the respondent no.7.

CORAM : A. S. CHANDURKAR AND MRS.VRUSHALI V. JOSHI, JJ.

DATE : SEPTEMBER 04, 2023.

Heard.

2. The petitioner appeared for NEET (UG) 2023 Examination conducted by the respondent no.3-National Testing Agency. He had selected Urdu language as a medium for appearing in the said examination. The said examination was conducted online on 07.05.2023 when the petitioner was provided two question papers, one in the selected medium of language being Urdu and other being in Hindi and English language. The question paper in Urdu was bearing Number F-6 while the question paper in Hindi and English was bearing Number E-6. The petitioner found that the sequence of the questions as given in question paper F-6 did not match with the questions given in question paper E-6. The petitioner claims to have brought this fact to the notice of the Invigilator but nothing further was done. The petitioner claims that as a result of such discrepancy he was prejudiced which affected his answering ability. The petitioner thus prays that the direction be issued to the Authority to re-conduct the NEET (UG) Examination insofar as the petitioner is concerned and also to compensate him for the loss as caused.

3. While issuing notice on 26.05.2023 a direction was issued to the National Testing Agency to decide the petitioner's representation dated 12.05.2023 made in this regard. Accordingly, the said Agency decided the representation and passed a speaking order on 18.07.2023. It has been stated therein that as per the records available with the National Testing Agency, the petitioner was provided with test booklet having Code F-6. The OMR answer sheets alongwith provisional answer sheets were displayed on the official website of the Agency and the petitioner did not raise any challenge to the same within stipulated period. It is stated that the sequence of all the questions and the choices in Urdu booklet as well as English/Hindi translated booklet were in order and no discrepancies were received from any other candidate or centre. The petitioner secured 35 marks out of 720.

4. In the aforesaid backdrop, we have heard the learned counsel for the parties and we have also perused the documents on record. It is seen that at Page 151 of the writ petition the test booklet in Urdu with Code F-6 bearing the name and roll number of the petitioner is placed. Similarly at Page 183 test booklet in Hindi and English with Code E-6 is placed on record. It may be seen that except for a change in the sequence of the questions and the sequence of the choices of answers therein there is no other difference in the two question papers. Question Number 1 in the Physics Section of the test booklet F-6 is shown at Serial Number 8 in the Physics Section in test booklet Code E-6. The questions in both the question papers are similar except for their placement indicating their serial numbers. On this basis we do not find that the same has resulted in any confusion to the examinees especially when it is asserted by the National Testing Agency that no complaint from any other candidate in this regard has been received. It is only the petitioner who has made a grievance in this regard through his representation dated 12.05.2023 which is much after the conduct of the said examination on 07.05.2023. The facility of providing a translated question paper in Hindi and English is only to facilitate the students and the petitioner having chosen

to answer the said examination in Urdu medium, it cannot be said that merely for the reason that the placement of various questions in the Urdu paper when compared with Hindi and English paper has resulted in the petitioner not faring satisfactorily in the said examination.

5. The representation of the petitioner having been duly considered by the National Testing Agency on 18.07.2023, we do not find any case made out to grant the reliefs sought by the petitioner. The writ petition is thus dismissed with no order as to costs.

(MRS. VRUSHALI V. JOSHI, J.)

(A. S. CHANDURKAR, J.)

APTE