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W.P.No.25357 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2023

CORAM

MR.JUSTICE N.SESHASAYEE

W.P.No.25357 of 2023
and W.M.P.No.24765 of 2023

Minor E.Sri Ritthvika
Represented by her Father and Natural Guardian
N.Elamaran

... Petitioner

Vs.

1.The Medical Counselling Committee (MCC),
Rep. by its Chairman, D.G.H.S.
Ministry of Health & Family Welfare,
Government of India,
Romm No.248, 'A' Wing, Nirman Bhavan,
New Delhi-110 011.

2.The Associate Dean for Graduate Medical Education (ADGME),
Directorate General of Health Services,
Nirman Bhavan,
New Delhi-110 001.

3.The National Medical Commission,
Rep. by its Chairperson,
Sector 8, Pocket 14, Phase-I,
Dwarka,
New Delhi-110 077.



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4.Senior Director, NEET (UG),
National Testing Agency, C-20 I A/8,
Sector 62, IITK Outreach Centre, Noida - 201 309
(R4 - suo motu impleaded vide order dated 28.08.2023
by NSSJ)

... Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents 1 and 2 to forthwith permit the petitioner to register for third round counseling scheduled on 31.08.2023, by considering and passing orders on the representation of the petitioner.

For Petitioner : Mr.R.Ragoth

For Respondents : Mr.V.Chandrashekar,
Central Government Standing Counsel
for R1 and R2

M/s.Shubharajani Ananth,
for R3

M/s.Sunita Kumari for R4
(Suo-motu impleaded)

ORDER

By consent, this writ petition is taken up for final disposal at the admission stage itself.



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2.The petitioner sat for the NEET examination for the academic year 2023 - 2024.

She belongs to OBC category and she had secured 89 marks, whereas the cut-off mark for OBC is between 107 to 136.

3.Learned counsel for the petitioner submitted that she had applied for re-evaluation to the National Testing Agency (hereinafter referred to as 'NTA' in short), which is not a party to this proceeding, and requires this Court to let her participate in the third round of counselling for the UG programme, awaiting the outcome of the pending application with NTA.

4.Heard Mr.V.Chandrasekaran, the learned Central Government Standing Counsel who appears for respondents 1 & 2 and M/s.Shubharajani Ananth, the learned counsel appearing for the third respondent.

5.The learned counsel for the respondents 1 and 2 submitted that unless the petitioner at least has scored marks within the range of mark prescribed for OBC category, which for the current academic year is fixed at between 107 to 136, she cannot be accommodated.



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6. This Court *suo motu* impleads the Senior Director, NEET (UG), National Testing Agency, C-20 I A/8, Sector 62, IITK Outreach Centre, Noida - 201 309.

7.1 M/s.Sunita Kumari, took notice for the fourth respondent, and took this Court through Chapter 14 of the Information Bulletin: NEET (UG) - 2023, and specifically brought to the notice of the Court to Clause 14.4 which reads as below:

"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.*
 - ii. *The candidates are given an opportunity to make the representation on the OMR gradation of their OMR sheets and also given an opportunity to challenge the answer key in case of any doubt.*
- ***No correspondence in this regard will be entertained."***



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7.2 The learned counsel submitted that in view of the same, there is no provision for either re-evaluating or re-totalling the answer sheets.

8.The doors are plainly closed for the petitioner. Unless her score falls within the range of cut-off marks, she will not be eligible, and her prospects of getting into the range of the cut-off marks is also an impossibility in view of the Clause 14.4 extracted above.

9.Left with every little option, this Court is constrained to dismiss the petition.
No Costs. Consequently, the connected miscellaneous petition is closed.

28.08.2023

Anu

Index : Yes / No

Neutral citation : yes/no

Note to office: Issue order copy on 29.08.2023



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N.SESHASAYEE, J.

Anu

To

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