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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.02.2023

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THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 35169 of 2022

Yamuna Devi M

... Petitioner

..Vs..

1. The Union of India
Represented by the Secretary
Ministry of Education
122-C, Shastri Bhavan
New Delhi – 110 001.
2. The National Testing Agency
Ministry of Education
Department of Higher Education,
C-20 1A/8, IITK Outreach Centre
Sector 62, Noida
Uthhar Pradesh – 201 309.
3. The Principal Secretary to
Government of Tamil Nadu
Health and Family Welfare (MCA.1) Department
Government of Tamilnadu
Fort. St. George
Chennai.



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4. The Secretary
Selection Committee
Directorate of Medical Education
162, Periyar E.V.R.,
High Road, Kilpauk
Chennai – 600 010.

5. The National Medical Commission
Pocket -14, Sector -8,
Dwarka Phase-1,
New Delhi – 110 077.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus directing 1st and 2nd respondents to consider the petitioner's representation mail sent on 17.10.2022 to give a proper reason for difference in the serial number and allot proper marks for the petitioner.

For Petitioner	:: Mr. V.Lakshmi Priya
For 1 st Respondent	:: Mr.S.Makesh ACGSC
For 2 nd Respondent	:: No appearance
For 3 rd Respondent	:: Mr. U.Baranitharan Additional Government Pleader
For 4 th Respondent	:: Ms. Sneha Standing Counsel

**ORDER**

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The Writ Petition has been filed seeking a direction against the first and second respondents, the Ministry of Education in the Union of India and the National Testing Agency, Ministry of Education, Uttar Pradesh, to consider the representation of the petitioner sent through E-mail dated 17.10.2022 and give a reason for the difference in the serial number and allot proper marks for the petitioner herein.

2. This is the second Writ Petition which the petitioner has filed. Earlier the petitioner had filed W.P.No. 24835 of 2022 and that was dismissed by an order dated 22.09.2022. In that particular Writ Petition, the petitioner had sought a direction against the first and second respondents, namely the same respondents as mentioned above to produce the original OMR (optical mark reading) Answer sheet and office copy of OMR in Application No. 220410222366, Roll No. 4113050194 and the Booklet No. 7091346 and allot proper marks to the petitioner and therefore allot one MBBS seat for the academic year NEET (UG)-2022 in any Government Medical College in Tamil Nadu.



3. In that particular Writ Petition, the learned Judge, had stated that the carbon copy of the OMR had been produced and also the original had been produced. The learned Single Judge had also examined them and stated that the petitioner had answered only 96 questions out of which 42 were correct and 54 were wrong. Therefore, the petitioner had got 114 marks. With respect to the mismatching in the bar code, the learned Single Judge had opined that it had occurred when the detachable portion of the OMR was re-attached with the credentials of the candidate. The Writ Petition was dismissed by an order dated 22.09.2022.

4. Thereafter the petitioner had forwarded a representation on 17.10.2022 stating that the original OMR sheet which was produced had two separate serial numbers and it was stated that in the left margin, the serial number was S073630 and in the right margin, the serial number was S113492. It was found that when the last year OMR scanned copy was verified and it was found that the serial number 6046635 was the same in both the margins. Therefore, explanation was sought about the difference in the two serial numbers found on the left side column and on the right side column.



5. The learned counsel for the second respondent stated that there is a difference serial number given on the left side margin only for official purposes. The OMR sheet contains the signature of the petitioner. That particular aspect is not doubted by the petitioner herein. The original OMR sheet had been produced. It had also been seen by the counsel even on the earlier occasion. My learned predecessor had examined the number of questions answered by the petitioner. The petitioner had answered only 96 questions. Out of the said 96, the petitioner had correctly answered only 42. The answers to 54 questions were wrongly given by the petitioner herein.

6. The petitioner raises a doubt about the two serial numbers that according to the learned counsel appearing for the second respondent it is for official purposes.

7. The petitioner must concentrate on the actual questions given and the answers to be given by her for the questions raised. That should be the focus of the petitioner as a student. She should aim to answer all the 120 questions and answer all the 120 questions correctly. Let her not meander around the Court of law at this young age. It would only divert her attention and it would only cause frustration.



8. The OMR sheet contains her name, her signature and other details of the petitioner. The Roll Number is also found. The matter ends at that. Let the petitioner prepare herself for the ensuing examination for NEET. I only wish that she is successful.

9. The OMR sheet had already been examined once by a learned Single Judge of this Court and again now. This Writ Petition is only re-agitation of the same issue, which is not permissible in a Court of law.

10. The Writ Petition stands dismissed. No order as to costs.

08.02.2023

vsg

Index: Yes/No

Internet: Yes/No

Speaking / Non Speaking Order



To

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C.V.KARTHIKEYAN, J.,

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