



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6639 OF 2024

MUSFERA KHANAM QUMAR ALI KHAN
VERSUS
UNION OF INDIA THROUGH ITS SECRETARY AND ANOTHER

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Mr. T. Y. Sayyed, Advocate for the Petitioner

Mr. B. B. Kulkarni, Standing Counsel for Respondent Nos. 1 and 2

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CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.

DATE : 21.08.2024

PER COURT :-

1. The Hon'ble Supreme Court has delivered a judgment on 02.08.2024, in Writ Petition (Civil) No.335 of 2024 (Vanshika Yadav Vs. Union of India and others). The learned Advocate for the Petitioner before us refers to paragraph 110 of the judgment, which reads as under:-

“110. The transfer petitions at the instance of the NTA or any other party raising the issue as regards the validity of NEET in 2024 are allowed. The resulting transferred cases shall disposed of in terms of the above directions subject to the clarification that individual grievances, if any, that remain, may be addressed before the jurisdictional High

Court. The interlocutory applications raising individual grievances are similarly permitted to be withdrawn with liberty reserved in the above terms.”

2. He submits that the Petitioner has specifically pleaded in the Petition that a colour scanned copy of the OMR sheet pertaining to the Petitioner, placed on record at page No.22, is the one that was supplied to the Petitioner by Respondent No.2, which is National Testing Agency, through its Director General. It is alleged that it is manipulated and bogus. According to the Petitioner, the Bar Code is also manipulated. It is further contended that the bubbles which have been inserted with black colour while answering the test, are also manipulated.

3. We are circumspect as to whether this Court can deal with such contentions, since it requires advanced technology and expertise to investigate whether the OMR colour scanned copy placed on record is a manipulated answer sheet or as to whether the Bar Code is also manufactured or tinkered with or whether the answers have also been manipulated. Moreover, considering the law laid down by the Hon'ble Supreme Court in *City and Industrial Development Corporation Vs. Dosu Asrdeshir Bhiwandiwalla and Ors, AIR 2009 SC 571*, disputed questions cannot be dealt with by this Court.

4. The learned Advocate for the Petitioner submits on instructions that the Petitioner is willing to travel to Delhi to the office of Respondent No.2 on a given date and time. The Petitioner along with her father would have a look at the original OMR sheet. If the Petitioner develops an apprehension that the original OMR sheet is different than the colour scanned copy supplied to the Petitioner, which is at page No.22 in the Petition paper-book, and is a manipulated document, the Petitioner would proceed to adopt such steps as may be required for initiation of criminal investigation into the matter. If the allegations of the Petitioner turn out to be false and are made only for self serving purposes, we grant liberty to Respondent No.2 to initiate action against the Petitioner in any form as may be permissible in law. The Petitioner is agreeable to face such action.

5. The learned Standing Counsel for the Union of India submits that the Petitioner can appear on any date between 10.30 a.m. to 4.30 p.m. with three days notice through e-mail, to neet@nta.ac.in and C.C. to vijay.kumar@nta.ac.in, hcgupta@nta.ac.in, legal@nta.ac.in.

6. By consent of the parties, the Petitioner would appear before the concerned authority, on 09.09.2024 at 11.30 a.m. The venue where the Petitioner would reach, is as under:-

First Floor, NSIC-MDBP Building,
Okhla Industrial Estate, New Delhi 110020.

7. With the above observations, **this Writ Petition is disposed off.**

[Y. G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]

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