



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

WRIT PETITION NO. 4555 OF 2024

Shaureen Shamik Ambatkar

-Vs.-

Union of India and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's Orders.
or directions and Registrar's orders.

Mr.Akshay Naik, Sr.Advocate i/b Mr.R.Deo, Adv. for the petitioner.
Mr.C.J.Dhumne, Adv. for respondent Nos.1, 2 and 4.
Mr.A.S.Fulzele, Addl.GP for respondent Nos.5 & 7-State.
Mr.N.A.Gaikwad, Adv. for respondent No.6.

**CORAM : AVINASH G. GHAROTE &
M. W. CHANDWANI, JJ.**

DATE : 5TH AUGUST, 2024

Heard Mr. Naik, learned Sr. Advocate instructed by
Mr.Rohan Deo, Advocate for the petitioner.

2. The petition raises two questions in light of what has been observed by the Hon'ble Apex Court in **Vanshikha Yadav v. Union of India and Others (Writ Petition (Civil) No.335 of 2024)**, decided on 23/07/2024, in which the petitioner claims to be covered by what has been held in para-19, in view of which, the marks which were awarded to the petitioner for attempting the question have been deleted. Learned Sr. Advocate relies upon the observations in para-21, which grants liberty to the petitioner to approach this Court, in case there are any other discrepancies apart from what has been considered in **Vanshika Yadav** (supra).

3. The learned Sr. Advocate for the petitioner submits that question No.11 in the Physics paper, which related to radioactive decay was out of syllabus, on account of which in view of the information brochure regarding NEET 2024 Chapter 3, 3.2(a)(vi), he contends, that the petitioner would be entitled to full marks. To demonstrate that question No.11 regarding radioactive decay was out of syllabus, the learned Sr. Advocate invites our attention to the syllabus for NEET-2022, in which for the paper of Physics, Unit VIII (Page-121), the subject radioactivity has been included, which includes radioactive decay, so also to the syllabus for NEET-2023 in which also in Unit VIII, the same subject is included (Page-135). However, the same is absent in the syllabus for NEET-2024, for which he invites our attention to Page-54 Unit 18, which does not have the subject of radioactivity. It is therefore contended that in view of what has been stated in Chapter 3, clause 3.2(a)(vi) (Page-44), since the question is out of syllabus, the petitioner would be entitled to 4 marks, irrespective of whether the petitioner has attempted the same or not.

4. In relation to the question No.148, for the subject Botany, it is submitted that the question itself is wrong for the reason that Gross Primary Productivity is at the first trophic level and not at the tertiary trophic level and on account of the fact that the petitioner has attempted it, the case of the petitioner would be covered by Chapter 3, 3.2(b)(vi) (Page-44), on account of which, since the petitioner has attempted the question, the petitioner would be entitled to 4 marks. The fact that the petitioner has

attempted the question, according to him, is demonstrated by page 210 read with page 213.

5. Both these questions would require the assistance of an expert in the field, in view of which, we do hereby constitute a Committee comprising of (1) Head of the Department, Botany, Institute of Science, Nagpur (2) the professor of Botany, St.Francis De Sales College (SFS), Seminary Hills, Nagpur and (3) Professor of Botany, Shivaji Science College, Nagpur to go into the matter and submit their opinion to this Court by 08/08/2024.

6. We also constitute a Committee comprising of (1) Head of the Department, Physics, Institute of Science, Nagpur (2) Head of the Department, Physics, VNIT, Nagpur and (3) Head of the Department, Physics, Laxminarayan Institute of Technology, Nagpur, to go into the aforesaid questions and submit their opinion to this Court by 08/08/2024.

7. The learned AGP, would intimate the constituents of the Committees regarding their inclusion in the Committee and the necessity of their opinion to be submitted to this Court by 08/08/2024.

8. List the matter on 09/08/2024 for further consideration.

9. Learned counsel Mr. Dhumne waives notice for respondent Nos.1, 2 and 4. Learned AGP waives service for respondent Nos.5 and 7. Learned counsel Mr.Gaikwad

waives service for respondent No.6.

10. The petitioner to serve the respondent No.3 through the official e-mail ID by the returnable date.

11. Learned Counsel Mr.Dhumne for the respondent Nos.1, 2 and 4 shall supply the entire material to the Committees by tomorrow, i.e. 06/08/2024, to enable the Committees to go through it and render an opinion to this Court.

(M.W.CHANDWANI, J) (AVINASH G. GHAROTE, J)