



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

WRIT PETITION NO. 4555/2024

Shaureen Shamik Ambatkar
Vs.
Union of India and others

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Akshay Naik, Senior Advocate a/b Mr. Rohan Deo, Advocate for Petitioner
Mr. Rupesh Kumar, Senior Advocate with Mr. P.S. Chawhan, Adv. for respondent No.2
Mr. A.S. Fulzele, ADDL. GP for Respondent Nos.5 and 7
Mr. N.A. Gaikwad, Advocate for respondent No.6

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

DATED : 09th AUGUST, 2024

In pursuance to the order dated 5.08.2024, the committee constituted in respect of question no.11 in the Physics paper of NEET-2024 has rendered an opinion, which is taken on record and marked as "X" for the purpose of identification, which opinion is dated 07.08.2024, which opines that the subject of Radioactivity is included in nuclear fission and fusion and, therefore, is the subject which is included therein. In view of this opinion, it has to be held that the question no.11 was within the syllabus. The contention in that regard is, therefore, rejected.

2. In view of the above opinion rendered in respect of question no.11 of the Physics section, we do not see any reason to entertain the petition in respect of question no.11. The same is, therefore, dismissed, vis-a-vis challenge to question no.11 of the Physics paper.

3. In respect of the second contention, that question no. 148 for the subject of Botany was wrong an opinion has been rendered by the committee constituted by the order dated 5.08.2024, which is taken on record and marked as “Y” for the purpose of identification, which states that question no. 148 for Botany subject is correct.

4. In so far as question no. 148 of subject Botany is concerned, Mr. Naik, learned Senior Counsel, upon perusal of this opinion submits, that the text book of NCERT, does not contain that question. Mr. Naik, learned Senior Counsel for the petitioner in this context invites our attention to the question No. 148 (page 105) and Chapter No. 12 Ecosystem in the Biology Text book for class 12 published by the NCERT, to contend, that there cannot be any primary productivity at the tertiary stage, for which he relies upon topics at 12.2, 12.4 and so also Trueman’s Elementary Biology Vol. II, Chapter 14 (page 182) which delineates what is primary productivity and secondary productivity and difference between the same as well as difference between net primary productivity and

gross primary productivity.

5. Mr. Kumar, learned Senior Counsel for respondent No.2 submits, that there is no prescribed text book for the various subjects and the syllabus is prescribed by the National Medical Commission (NMC). He, therefore, submits, that merely because a text book makes a reference to some topics that cannot be used to contend that the question is incorrect.

6. The respondent No.2, therefore, to file an affidavit stating that there is no prescribed text book by the NTA for the purpose of the syllabus prescribed by the NMC, from which the students are expected to study.

7. List on 12th August, 2024.

(M.W. CHANDWANI, J.)

(AVINASH G. GHAROTE, J.)