



WEB COPY



W.P.No.16063 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.16063 of 2024
and
W.M.P.No.17573 of 2024

Jaya Sivapriya

.. Petitioner

VS

1.The National Testing Agency
First Floor, NSIC-MDBP Building,
Okhla Industrial Estate,
New Delhi, Delhi 110 020.

2.E.G.S.Pillay Engineering College,
Old Nagore Road, Thethi Village,
Nagapattinam (611001), Tamil Nadu

3.The National Commission for Medical Sciences,
Pocket-14, Sector – 8,
Dwarka, New Delhi – 110 077.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the 1st respondent to award grace mark for loss of time caused by 2nd respondent exam centre, within time frame that may be fixed by this Court and pass such further or other order and thus render justice.

For Petitioner : Mr.M.Aloysius Raj Pragash

For Respondents : Ms.Sunitha Kumari, for R1
Mr.M.Dwarakanth
for Ms.Shubaranjani Ananth
for R3

ORDER

The petitioner is an aspirant for MBBS and had written the NEET examination on 05.05.2024. She appeared in the test centre in EGS Pillay Engineering College, Old Nagore Road, Thethi Village, Nagapattinam,



W.P.No.16063 of 2024

Tamil Nadu. She alleges that the answer sheets were collected 20 minutes in advance i.e., 5 p.m. instead of 5.20 p.m as the invigilator was under the erroneous impression that the allotted time for the NEET examination is 180 minutes whereas it is actually 200 minutes. She thus seeks a mandamus directing NTA / R1 to award grace marks for loss of 20 minutes.

2. Ms.Sunita Kumari, who appears for R1 would accede to the position that a total of 1563 candidates have been awarded compensatory marks since the same grievance as faced by the petitioner had been faced by them in their respective examination centres. Those compensatory marks have been awarded based on the recommendation by the Grievance Redressal Committee constituted by R1.

3. The award of compensatory marks came to be challenged by the other candidates, who filed writ petitions before various High Courts, transferred to the Hon'ble Supreme Court. Yet another committee was constituted by R1 which gave its recommendations after detailed deliberations. The following paragraphs in the judgment of the Supreme Court in W.P.(C) No. 368 of 2024 dated 13.06.2024 would summarize the recommendations made:-

"According to the said recommendations, it has been suggested that the score cards of the affected 1563 candidates issued on 4th June, 2024 will stand cancelled and withdrawn. These affected 1563 candidates will be informed about their actual scores without compensatory marks. Further re-test will be conducted for the affected 1563 candidates. The result of those affected 1563 candidates who do not wish to appear for the re-test will be declared based on their actual marks (without adding compensatory marks) obtained by



WEB COPY



W.P.No.16063 of 2024

them in the test held on 5th May, 2024 and the marks obtained by the candidates who appear in the re-test will be considered and their marks obtained in the test held on 5th May, 2024 will be discarded. Such recommendations are recorded in paragraph 8 of the report, which is reproduced hereunder:

"8. After examining all the aspects of the situation in totality, this committee concludes that the most appropriate, fair and reasonable solution to the issue would be subjecting those 1563 candidates to a retest at the earliest possible. This Committee therefore considers it most appropriate to recommend as under:

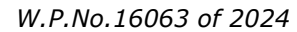
(i) The Score Cards of all affected (1563) candidates issued on 04.06.2024 will stand cancelled and thus withdrawn. The affected 1563 candidates will be informed of their actual Scores (without compensation), through their registered email IDs.

(ii) A re-examination will be conducted for the affected candidates (1563). The directions of re-examination passed by Courts in individual cases will also be included by NTA.

(iii) The result of those affected candidates (1563) who do not wish to appear for the re-examination, will be declared based on their actual marks (without compensation) obtained in the examination conducted on 05.05.2024.

(iv) The marks obtained by the candidates who will appear in the re-test will be considered and their marks based on examination on 05.05.2024 will be discarded. ""

4. The learned counsel who had appeared for R1 before the Supreme Court had also undertaken that re-test would be held on 23.06.2024 and R1 confirms before me now that the re-test has been held on the stated date, results have been declared on 30.06.2024 and



5. In the present case, unfortunately, the petitioner has not been awarded compensatory marks and hence the question of reversal of those marks and permitting her to write the test does not arise. As far as the latter is concerned, she has missed the bus as the exam has been conducted on 23.06.2024. This is indeed an unfortunate situation she has made several representations commencing from 06.06.2024 to 23.06.2024 to R1. R1 had confirmed the receipt of her complaints assuring her that it would revert as soon as possible.

6. The last representation is dated 23.06.2024 after reply of R1 dated 17.06.2024. In letter dated 17.06.2024, R1 states that it would revert at the earliest. This indicates a mechanical application of mind as that letter is dated prior to order dated 13.06.2023 passed by the Hon'ble Supreme Court. At least, at this juncture, R1 could have intimated the petitioner of the sequence of events and the judgment of the Supreme Court to enable her to take the re-test if at all it was possible.

7. One peculiar aspect of the matter is that while the petitioner would allege that she has been given less time (by 20 minutes), strangely there is no complaint from any other candidate from that centre, along similar lines.

8. Learned counsel for R1 would report oral instructions



W.P.No.16063 of 2024

received from the school to the effect that there has been no such error as alleged and that the students were permitted the full allotted time of 200 minutes to complete the paper. She also assures the Court that CCTV footage will be retrieved from the School and due enquiry would be caused to get to the bottom of the matter and ascertain the proper position.

9. Mandamus is thus issued to R1 to cause appropriate enquiry, obtain relevant CCTV footage and do the needful in terms of ascertaining the correct factual position in regard to the matter outlined in the paragraphs supra, within a period of six weeks from today. A status report be filed by R1 immediately thereafter in the Registry.

10. Writ petition stands disposed with directions as above. No costs. Connected miscellaneous petition is closed.

02.07.2024

Index:Yes/No
Neutral Citation:Yes/No
ssm

Note to Registry : Status report filed by R1 will be placed before me in Chambers.



WEB COPY



W.P.No.16063 of 2024

DR. ANITA SUMANTH,J.

ssm

To

- 1.The National Testing Agency
First Floor, NSIC-MDBP Building,
Okhla Industrial Estate, New Delhi, Delhi 110 020.
- 2.The National Commission for Medical Sciences,
Pocket-14, Sector – 8,
Dwarka, New Delhi – 110 077.

W.P.No.16063 of 2024

02.07.2024