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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 15.07.2024

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THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.18190 of 2024

R.Harish Kanna

... Petitioner

Vs

1. The Union of India,
represented by
The Secretary to Government,
Department of Higher Education,
127 C, Shastri Bhawan, New Delhi – 110 001.

2. National Testing Agency,
rep. by its Chairman, First Floor,
NSIC-MDBP Building, Okhla Industrial Estate,
New Delhi – 110 020.

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent to re-evaluate the petitioner's OMR Answer Sheet by awarding full 4 marks to the question No.28, of Test Booklet Code R2 and add 1 mark deducted towards negative marking and consequently direct the respondents to issue revised Score Card to the petitioner by awarding total marks of 574.

For Petitioner : Mr.P.Saravana Sowmiyan

For Respondents : Mr.M.Sathyan

Additional Central Government Standing Counsel -R1

Ms.Sunitha Kumari - R2



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ORDER

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The petitioner is an aspirant for a seat in the medical course for the present academic year, i.e., academic year 2024-25. He had participated in the National Eligibility -cum- Entrance Test (UG) 2024 conducted by the National Testing Agency/R2. The result was announced on 04.06.2024 and the petitioner has been awarded 569 marks out of 720 with an All India Rank of 117963.

2. The Writ Petition has been premised on an assumption that the answer for question No.28 has not been evaluated correctly. He proceeds on the basis that he has been marked negatively for question No.28 and hence, seeks a mandamus that he be awarded full 4 marks for question No.28 plus 1 mark towards negative marking for wrongul evaluation of question No.28.

3. Ms.Sunitha Kumari, learned counsel for R2 has filed a counter affidavit accompanied by a compilation of typed set. She draws attention to the calculation sheet of the petitioner placed at page 21 of her typed set. In fact, the petitioner has been awarded full 4 marks for question No.28 and thus his assumption that he loses 4 marks for wrongful evaluation of question No.28 and in addition has received one negative mark for that answer is wrong.



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4. A physical count from the correct of the answers in the calculation sheet shows that he has been marked for 149 correct answers and 27 wrong answers and there is thus no error as presumed by the petitioner.

5. In light of this factual position, which has been demonstrated by a perusal of the answer sheet, the request for mandamus is rejected and this Writ Petition is dismissed. No costs.

15.07.2024

Index : Yes / No

Speaking order

Neutral citations: Yes

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To

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Dr.ANITA SUMANTH,J.

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