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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 10811/2024 & CM APPL. 44466/2024 (for directions against respondent no. 1 to produce document)

SRIKAR TALLURI (MINOR) THROUGH HIS
FATHER/PAIROKARPetitioner

Through: Mr. Tanmay Yadav, Advocate

versus

NATIONAL TESTING AGENCY & ORS.Respondents

Through: Ms. Pankhuri Shrivastava with Mr. Atreya, GC, Mr. Alekshendra Sharma, Advocate for NTA.

Mr. Jagdish Chandra, SPC along with Mr. Hussain Taqvi, GP for UoI.

Mr. T. Singhdev, Mr. Aabhaas Sukhramani, Ms. Anum Hussain, Mr. Abhijit Chakravarty, Mr. Bhanu Gulati, Mr. Sourabh Kumar, Mr. Tanishq Srivastava, Ms. Ramanpreet Kaur, Advocates for National Medical Commission.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

% **05.08.2024**

CM APPL. 44467/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 10811/2024

3. The present writ petition under Article 226 of the Constitution of India, has been filed on behalf of the petitioner, praying as follows:

“(a) Issue writ, order, direction in the nature of



mandamus or any other appropriate writ thereby declaring the actions of Respondent No.1 in rejecting the petitioner's representation dated 11th June 2024 as illegal and arbitrary, and consequently set aside and quash the decision dated 21st June 2024 passed by Respondent No.1 vide F. No. NTA/SCI/Dy. No.27511/2024 dated 21st June 2024 conveyed by Respondent No.1 to the Petitioner in email dated 21st June 2024;

(b) issue a direction to Respondent No.1 to conduct reexamination for the Petitioner (as conducted for 1563 students) on a date convenient to Respondent No.1 in line with the recommendations passed by Respondent No.1's committee;

(c) In the event it is not possible to conduct a re-test for the Petitioner alone, direct Respondent No.1 to conduct the re-test along with any other students seeking the same and whose cases were favourably adjudicated;

(d) Alternatively, direct the Respondents to add a seat for the Petitioner in any Government College in the three major cities (of Hyderabad, Bengaluru, Chennai) in South India or at the ESIC Medical college in Hyderabad;

(e) In the event it is not possible to conduct a re-test for the Petitioner, direct Respondent No.1 to pay compensation to the Petitioner to the tune of the difference between the fees for an MBBS degree at a Government Medical College and that of a Private College or Deemed University that the Petitioner would join, to compensate him for the illegal and arbitrary actions of Respondent No.1;

(f) Award the costs of the present Petition in favour of the Petitioner;"

4. Learned counsel appearing on behalf of the petitioner states that the petitioner had initially approached the High Court of Telangana, with a



grievance *qua* the NEET Examination-2024.

5. Learned counsel appearing on behalf of respondent no. 1/ National Testing Agency ('NTA') states that NTA will not take objection on the point of *jurisdiction*, in case the petitioner files a petition before the High Court of Telangana since he had earlier approached the said High Court.

6. In view of the above, learned counsel appearing on behalf of the petitioner, on instructions, seeks leave to withdraw the present writ petition, with liberty to file an appropriate petition before the High Court of Telangana, in accordance with law.

7. The present writ petition is dismissed as withdrawn and accordingly disposed of. Pending application also stands disposed of.

8. It is clarified that all question of law and contentions of the parties on merits, are left open. It is further clarified that the matter was not heard on merit, either on the point of jurisdiction or otherwise.

9. The order be uploaded on the website forthwith.

AUGUST 05, 2024/at

SWARANA KANTA SHARMA, J

Click here to check corrigendum, if any