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

+ **W.P.(C) 11333/2024 & CM APPL. 46959/2024**

SUJATA KUMARI

.....Petitioner

Through: Mr. Lalit Kumar, Advocate.

versus

NATIONAL TESTING AGENCY

.....Respondent

Through: Mr. Sanjay Khanna, Standing Counsel, Ms. Pragya Bhushan, Mr. Karandeep Singh and Mr. Tarandeep Singh, Advs.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

21.08.2024

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1. The instant writ petition under Article 226 of the Constitution of India has been filed on behalf of the petitioner seeking the following prayers:

“....a. Issue a writ of mandamus directing the Respondent to allow the Petitioner to change her examination center to Delhi for the UGCNET June 2024 re-examination. And/or;

b. Direct the Respondent to decide the Petitioner's representation dated 09.08.2024 in a time-bound manner and provide a reasoned response...”

2. Briefly, the petitioner before this Court is a 29-year-old law graduate now residing in Delhi, who had initially applied for the UGC-NET June 2024 examination, selecting her preferred centres in Telangana, India. The petitioner had attended the examination at her assigned centre in Hyderabad on 18.06.2024. However, the Ministry of Education had cancelled the



examination the following day i.e., 19.06.2024, due to concerns about its integrity based on information from the National Cyber Crime Threat Analytics Unit. Thereafter, on 02.08.2024 the National Testing Agency, i.e., the respondent herein had issued a notification rescheduling the UGC-NET June 2024 examination for the Law subject to 30.08.2024. As per the case of the petitioner, this notification did not allow candidates to update their centre preferences. It is further the case of the petitioner that she had moved to Delhi due to her pregnancy, and travelling back to Hyderabad for the rescheduled exam would cause her significant hardship and irreparable loss. On 09.08.2024, she had submitted a representation to the respondent, requesting change of examination centre from Hyderabad to Delhi, citing her medical condition and relocation. Despite submitting medical evidence of her pregnancy, the respondent did not respond to her representation. Thus, the petitioner was constrained to approach this Court by way of the present writ petition.

3. This Court notes that *vide* order dated 16.08.2024, this Court had directed the learned counsel for the respondent to ensure that he has instructions regarding the representation dated 09.08.2024 made by the petitioner and also to ensure that the same is decided before the next date of hearing. The relevant part of the order dated 16.08.2024 is reproduced as under:

“...4. Learned counsel for the petitioner states that her representation dated 09.08.2024 has not been decided yet by the respondent.

5. Learned counsel for the respondent is directed to ensure that he has instructions regarding the representation dated 09.08.2024 and also to ensure that the same is decided before the next date of hearing...”.



4. The Court is informed that the representation of the petitioner herein has been rejected today and has been communicated to the petitioner.

5. Learned Counsel appearing on behalf of the petitioner fervently argues that the representation made by the petitioner herein has been rejected by the respondent without application of mind and in a mechanical manner. It is stated that the petitioner's exam is to be held on 30.08.2024, and that the petitioner's request to change her examination is on the grounds that she is pregnant and relocation from Delhi will have a significant adverse impact on her health. It is also stated that this situation, arising from no fault of the petitioner, requires remedial action to ensure she is not unfairly disadvantaged. It is further stated that the petitioner's situation is unique due to her pregnancy and subsequent relocation, which should have been reasonably accommodated by the respondent. The respondent's failure to take her circumstances into account amounts to unfair discrimination against her, especially when compared to other candidates who may not have faced similar personal challenges.

6. Given the peculiar facts and circumstances of this case—particularly the fact that the petitioner had earlier appeared in the same examination at the examination centre applied for allocated to her at Telangana, after which she had travelled to Delhi but since the examination was cancelled and she is now unable to travel to her allocated center due to her pregnancy—the respondent, NTA, is directed to reallocate the petitioner a examination center in Delhi. This direction is issued in light of the petitioner's current condition of pregnancy and her reallocation to Delhi following the cancellation of the previous examination. It is further clarified that this order is specific to the present case and shall not be treated as a precedent.



7. In view of the above, the petition stands disposed of.
8. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

AUGUST 21, 2024/A

Click here to check corrigendum, if any