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

+ **LPA 1170/2024**

BIBEKANAND RANA & ORS.

.....Appellants

Through: Mr. Harshit Jain, Mr. Shubham Singh, Mr. Rahul Kumar and Mr. Gautam Singh, Advs.

versus

NATIONAL TESTING AGENCY & ORS.Respondents

Through: Mr. Sanjay Khanna, Standing Counsel with Ms. Pragya Bhushan, Mr. Karandeep Singh and Mr. Tarandeep Singh, Advs. for R-1/NTA
Mr. Nitinjya Chaudhary, Sr. Panel Counsel with Mr. Rajat, GP and Mr. Rahul Mourya, Advs. for R-3/UOI

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

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29.11.2024

CM APPL. 69625/2024 (Ex.) and CM APPL. 69626/2024 (Ex. from filing Impugned Order.)

Allowed, subject to all just exceptions.

The applications are disposed of.

LPA 1170/2024

1. We take note of the reliefs which were claimed in the writ petition and which read as follows:-

“a. Direct the Respondent No. 1 to restore the candidature and published the withheld results of petitioners.



b. Direct the Respondent No. 2 to allow to participate in counseling process for securing admission in Medical colleges at National level and State level.

c. Direct the Respondent No. 3 to submit the present status report of the investigation conducted by them to this Hon'ble Court that too not in a slip shod manners or routine manner but rather in diligent and an apt manner free of any sort of lacunas, deficiencies or considered to be delinquencies on their part.

d. Pass any other appropriate orders or further being a appropriate relief(s) in furtherance of this present cause of action which this Hon'ble Court deems fit and proper in the light of the facts and circumstances of the present cause of action."

2. The learned Single Judge has taken the view that bearing in mind the residence of the writ petitioner and the centre where the examination was conducted, this Court would lack the territorial jurisdiction to entertain the writ petition.

3. Learned counsel for the appellant, however, draws our attention to Clause 17.6 of the Prospectus and which reads as follows:-

"17.6 Legal Jurisdiction

All disputes pertaining to the conduct of the NEET (UG) – 2024 Examination including Results shall fall within the **jurisdiction of Delhi/New Delhi only**. Further, any legal question arising out of the Examination shall be entertained **only when raised within 30 days from the declaration of result**. Further, the copy of Legal Notice or Writ Petition/Petition/Appeal/Reply may be served to NTA only through: legal@nta.ac.in.

(Note:- In terms of the Communication (vide Letter No. 35-5/2017-TS.I dated 24.11.2020) of the Department of Higher Education, Ministry of Education, Govt. of India, the Ministry of Health and Family Welfare (and not the Ministry of Education) has to defend the interest of Union of India in the Court Cases relating to NEET (UG)."

4. In our considered opinion and bearing in mind the fact that the petitioner/appellant was essentially aggrieved by the fact that its result had been withheld, he would clearly be entitled to maintain the writ petition in light of Clause 17.6.



5. Regard must be had to the fact that Clause 17.6 in unequivocal terms provides that all disputes pertaining to the conduct of the examination “*including results*” would fall within the jurisdiction of courts at Delhi/New Delhi only.

6. Bearing in mind the aforesaid and since this Clause does not appear to have been brought to the attention of the learned Single Judge, we find ourselves unable to sustain the order impugned.

7. We, consequently, allow the present appeal and set aside the judgment and order dated 22 November 2024. The writ petition shall consequently stand revived before the learned Single Judge to be called on 05.12.2024.

YASHWANT VARMA, J.

DHARMESH SHARMA, J.

NOVEMBER 29, 2024

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