

10.09.2025
Item No.13
Court No.11
KCP

MAT 1346 of 2025
with
IA No. CAN 1 of 2025
Taniya Ray
- Versus -
The Union of India & Ors.

Mr. Suddhadev Adak,
Ms. Richa Pramanik.
...for the appellant

Mr. Sadhan Kr. Halder,
Ms. Tapati Samanta.
...for the State

Mr. U. S. Menon,
Mr. Abhirup Chakraborty.
...for the Respondent Nos.3, 4 & 5

Affidavit-of-service, as filed, be kept on record.

The present appeal is against an order of the learned single Judge passed on August 7, 2025 directing the police authorities to proceed with an investigation of the complaint made by the respondent nos.3, 4 and 5.

The disputes emanate from the petitioner holding herself as an eligible candidate having participated in the National Eligibility-cum-Entrance Test (UG) 2025. The petitioner having participated in the examination under the category General Economically Weaker Section (hereinafter referred to as GEWS) obtained 128 marks out of 720, thereby attaining rank 103628. Not being satisfied with such result, the petitioner upon receiving an e-mail of June 5, 2025 from the National Testing Agency compared her OMR sheet attached thereto with key scores supplied by the Agency. Since no steps were taken by the authorities in

spite of representations made by her, the appellant/petitioner had approached this Hon'ble Court by way of a writ petition being WPA 13465 of 2025.

Even as the hearing of the said writ petition was in progress, the appellant/petitioner had disclosed the OMR sheet forwarded to her by the Agency by an e-mail of June 5, 2025, while the Agency itself relied upon the e-mail of June 4, 2025 with an attached OMR sheet. There was imminently a dispute regarding the veracity of the two OMR sheets one produced by the appellant (supplied by the Agency) by a mail of 5th June, 2025 and the other produced by the respondent no. 3 (by email of 4th June, 2025) each alleging the other to be a forged and/or fabricated document.

To resolve this issue, the learned single Judge by his order of August 7, 2025 directed the concerned Assistant Commissioner of Police, Sarita Vihar, New Delhi to conduct an investigation and file a report under Section 3(vi) and 10 of the Public Examination (Prevention of Unfair Means) Act, 2024.

The learned Judge had directed the police authorities to continue with the investigation and Mr. Menon, learned advocate appearing for the respondent nos.3, 4 and 5 herein to apprise the Court by filing a report regarding the progress of the investigation.

It is this order of August 7, 2025, which has been assailed before us. The ground of challenge is principally that the respondent nos.3, 4 and 5 being interested parties

to the proceeding, could not have been asked to file a report insofar the progress of investigation is concerned.

Needless to say that the investigation is to be conducted by the police authorities and merely the progress report thereof, obviously with a copy of such report/investigation appended to is to be filed by the respondent nos.3, 4 and 5. Filing of such a report, cannot in any manner be construed as if the investigation would be done by the Agency as sought to be argued by Mr. Adak, learned advocate appearing for the appellant.

The matter is still under the consideration of the learned single Judge and we do not find any reason to interfere with the order of August 7, 2025.

In view thereof, the appeal and the connected application are dismissed.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned advocates for the parties.

(Reetobroto Kumar Mitra, J.) (Tapabrata Chakraborty, J.)