

MAT 1672 of 2025
with
IA No. CAN 1 of 2025
(Sabana Yeasmin Vs. Union of India & Ors.)

Mr. Goutam Dey
Ms. Anita Ghosh
Md. Shakeel Khan
Ms. Jane Alam

... For the appellant

Mr. U. S. Menon
Mr. Abhirup Chakraborty

... For the respondent no. 3

Mr. Firdous Samim
Ms. Gopa Biswas
Mr. Mainak Ghosal
Ms. Ankita Ghosh

... For the respondent no. 5

1. The present appeal has been preferred to question the legality and propriety of the order dated 18th September, 2025 passed in W.P.A. 12484 of 2025. By the said order, the writ petition was dismissed.
2. To address the issue raised in the present appeal, it would be apposite to advert to the essential facts leading to the presentation of the instant appeal.
3. The appellant herein preferred a writ petition seeking a direction upon the concerned respondent authority either to allow him to take a fresh test for appearing in the NEET–UG Examination in the succeeding year, or, in the alternative, to grant grace marks to qualify the NEET–UG Examination, 2025.
4. The specific case sought to be made out in the writ petition was that the petitioner/appellant appeared in the NEET–UG Examination, 2025 and entered the examination

centre, Bardhaman Bidyarthi Bhavan Girls' High School, at about 1:15 p.m. The examination commenced at 2:00 p.m. At about 2:40 p.m., the invigilator came to her and asked her to complete the biometric attendance process. According to the appellant, she was compelled to complete the process during the examination, causing a crucial loss of almost 40 minutes. Due to the lapses on the part of the persons responsible for conducting the examination, she could not perform well and, faced with such circumstances, she was constrained to file the writ petition.

5. The order impugned in the instant appeal reflects that the learned Court below observed that the appellant had attempted all the questions and had previously appeared in the NEET–UG Examination, having done so since 2019, and therefore was fully aware of the necessity of completing the biometric process.
6. Mr. Dey, learned advocate appearing for the appellant, submits that during the examination the appellant was compelled to complete the biometric attendance process, resulting in a loss of almost 40 minutes, and solely for that reason she could not perform well.
7. He further submits that if the school authorities had produced the CCTV footage, her allegation would have found support, and since the appellant suffered due to the lapses and negligence of the school authorities, the respondent authority be directed either to grant grace marks or to allow her to appear in the next NEET–UG Examination.

8. Mr. Chakraborty, learned advocate representing respondent no. 3, the Director General of the National Testing Agency (NTA), submits that this was practically the writ petitioner/appellant's seventh attempt at the examination and was therefore fully aware of the procedure required to be followed before entering the examination hall. The appellant had attempted all the questions. Hence, at this stage, she cannot take such a plea or seek any extra marks or permission to sit for the next examination on that basis.
9. Mr. Samim, learned advocate appearing for respondent no. 5, submits that the appellant somehow stayed away from the biometric process and directly entered the examination hall, and when the invigilator pointed this out to her, she refused to complete the process.
10. Heard the learned advocates appearing for the respective parties and perused the materials on record including the order impugned in the appeal.
11. It is an undeniable fact that the appellant had previously appeared in this examination on several occasions. Therefore, it is to be expected that she was aware of the procedure required to be followed before entering the examination hall.
12. To set the issue raised in this appeal, it would be apt to quote Clause 19 of the instruction given in the Admit Card, which is as follows-

“Clause 19. Apart From the biometric attendance and frisking at entry, candidates may be frisked and biometric attendance may be taken again on entry from bio-break/toilets break.”

13. Therefore, every candidate was instructed that biometric attendance and frisking would be conducted at the time of entry into the examination hall. The respondent no.3 (the examination centre) contends that the petitioner/appellant somehow entered into the examination hall without completing the required procedures, and when she was asked to complete the process, she refused. However, this fact has been strongly denied by the appellant.
14. Therefore, from the claim and counterclaim, it appears that there is a disputed question of fact, the determination of which requires evaluation of evidence. In writ proceedings, which are essentially summary in nature, such disputed questions of fact cannot be adjudicated.
15. The records suggest that the appellant attempted all the questions and had previously appeared in similar examinations. Further, the Admit Card contains a specific instruction stating that every candidate, before entering the examination hall, is required to complete the biometric attendance process.
16. Noting all these facts, the learned single Judge has refused to exercise its discretion in favour of the petitioner and we do not find any infirmity and perversity in the order nor do we find any justification to interfere in the present appeal.
17. Accordingly, the appeal and its connected application being CAN 1 of 2025 are dismissed
18. There shall, however, be no order as to costs.

19. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)