



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
106

1. CWP No.20217-2025 (O&M)

Saksham Garg

.....Petitioner

Versus

National Testing Agency (NTA) and Anr

.....Respondents

And

2. CWP No.22915-2025

Gaurika

.....Petitioner

Versus

National Testing Agency (NTA) and Anr

.....Respondents

Date of decision: 12.08.2025

CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR

Present: Mr. Nikhil Kaushik, Advocate for the petitioner in
CWP No.20217-2025.

Mr. Rahul Deswal, Advocate for the petitioner in
CWP No.22915-2025.

Mr. Arun Gosain, Central Government Counsel with
Mr. Saurav Rao, Advocate for respondent No.1-NTA.

ASHWANI KUMAR MISHRA, J (ORAL)

Since the material facts are analogous and issue involved in both the
petitions is similar, they are being decided by a common order. For the sake of



convenience, the facts are being taken from a petition bearing CWP No.20217-2025.

Petitioner before this Court has participated in examination of National Eligibility-cum-Entrance Test (UG)-2025 [for brevity “NEET (UG)-2025”] and secured 495 marks. He ranks at Serial No.21029. He has approached this Court by invoking our extraordinary jurisdiction under Article 226 of the Constitution for constituting an expert panel to analyze Question No.15 of the Physics paper (test booklet code 48) of NEET (UG)-2025 for which test was conducted on 04.05.2025. The petitioner has also assailed clause 3.2 (i) of the Information Bulletin NEET (UG)-2025, which reads as under:

“i. Correct answer or the most appropriate answer: four marks (+4)”

It is undisputed that against question No.15, the initial answer key held 4th answer to be correct. However, after the objections were examined, the Expert Body opined that both answer Nos.3 & 4 are correct. In such view of the matter, all those who had indicated 3rd and 4th answers to be the correct answer, had been awarded four marks each. The petitioner also has been awarded the respective four marks accordingly.

The grievance of the petitioner is that in fact, it was 4th answer which alone was correct and that the Examining Body has erred in holding the 3rd answer also to be correct. According to the petitioner, his ranking would improve if those candidates are denied 04 marks who in their answer sheet have opted for 3rd answer to be the correct answer. It is with this grievance that the writ petition has been filed before this Court. It is also urged that clause 3.2 as reproduced hereinabove is arbitrary inasmuch as for any question, only one answer can be the correct answer and the process wherein two answers are held to be correct would



adversely impact the sanctity of the process and therefore such clause is liable to be declared invalid.

Learned counsel for the petitioner has placed reliance upon judgment of the Hon'ble Supreme Court rendered in a batch of writ petitions where the NEET (UG)-2024 was a subject matter of challenge. Reliance has been placed upon paragraphs 15 & 16 to state that Hon'ble Supreme Court vide their Lordship order dated 22.07.2024 had requested the Director, IT Delhi to constitute a three member Committee to submit its opinion on the correctness of certain questions and, therefore similar direction be issued in the present petition. Learned counsel also submits that in paragraph 19, the report of the Expert Committee has also been accepted.

On behalf of respondent No.1, the prayer made in the writ petition is opposed on the ground that this Court while dealing with the challenge to correctness of an answer is not supposed to act as an Appellate Body or the use of the experts and the limitations on the scope of power of this Court in such matters will have to be as per the observations made by Hon'ble Supreme Court in the judgment reported as **Ran Vijay Singh & Ors Vs. State of U.P & Ors, 2018(1) SCT 334**. Reliance is also placed upon judgments of Hon'ble Supreme Court reported as **H.P Public Service Commission Vs. Mukesh Thakur & Anr, AIR 2010 SC 2620** and **U.P.P.S.C through its Chairman Vs. Rahul Singh and Anr, AIR 2018 SC 2861**.

Before we advert to the decisions relied upon by learned counsel for the parties, in order to appreciate the controversy, we may deem it appropriate to take note of question No.15 which is the bone of contention here. The same is reproduced as under:

“15. A full wave rectifier circuit with diodes (D1) and D2) is shown in the figure. If input supply voltage $V_{in} = 220 \sin (100 \pi t)$ volt, then at $t = 15 \text{ msec}$



(FIGURE)

“(1) D1 and D2 both are forward biased.

(2) D1 and D2 both are reverse biased.

(3) D1 is forward biased, D2 is reverse biased.

(4) D1 is reverse biased, D2 is forward biased.”

The tentative answer key published by the NTA had recorded 4th option to be the correct answer. This tentative answer was objected by certain persons for which an option was extended by the Examining Authority. The Examining Authority took opinion of the experts in the field and ultimately came to the conclusion that not only option No.4 but even the 3rd option would be correct. It is this decision of the Examining Body which is proposed to be challenged in the present case.

In **Ran Vijay Singh’s case (supra)**, Hon’ble Supreme Court had examined the scope of exercise of jurisdiction by this Court in such matters and observed as under:

“30. The law on the subject is therefore, quite clear and we only propose to highlight a few significant conclusions. They are: (i) If a statute, Rule or Regulation governing an examination permits the re-evaluation of an answer sheet or scrutiny of an answer sheet as a matter of right, then the authority conducting the examination may permit it; (ii) If a statute, Rule or Regulation governing an examination does not permit re-evaluation or scrutiny of an answer sheet (as distinct from prohibiting it) then the Court may permit re-evaluation or scrutiny only if it is demonstrated very clearly, without any “inferential process of reasoning or by a process of rationalisation” and only in rare or exceptional cases that a material error has been committed; (iii) The Court should not at all re-evaluate or scrutinize the answer sheets of a candidate – it has no expertise in the matter and academic matters are best left to academics; (iv) The Court should presume the correctness of the key answers and proceed on that assumption; and (v) In the event of a doubt, the benefit



should go to the examination authority rather than to the candidate.

31. On our part we may add that sympathy or compassion does not play any role in the matter of directing or not directing re-evaluation of an answer sheet. If an error is committed by the examination authority, the complete body of candidates suffers. The entire examination process does not deserve to be derailed only because some candidates are disappointed or dissatisfied or perceive some injustice having been caused to them by an erroneous question or an erroneous answer. All candidates suffer equally, though some might suffer more but that cannot be helped since mathematical precision is not always possible. This Court has shown one way out of an impasse – exclude the suspect or offending question.”

Reliance is also placed by learned counsel for the respondent under paragraph 32 of this judgment, which reads as under:

“32. It is rather unfortunate that despite several decisions of this Court, some of which have been discussed above, there is interference by the Courts in the result of examinations. This places the examination authorities in an unenviable position where they are under scrutiny and not the candidates. Additionally, a massive and sometimes prolonged examination exercise concludes with an air of uncertainty. While there is no doubt that candidates put in a tremendous effort in preparing for an examination, it must not be forgotten that even the examination authorities put in equally great efforts to successfully conduct an examination. The enormity of the task might reveal some lapse at a later stage, but the Court must consider the internal checks and balances put in place by the examination authorities before interfering with the efforts put in by the candidates who have successfully participated in the examination and the examination authorities. The present appeals are a classic example of the consequence of such interference where there is no finality to the result of the examinations even after a lapse of eight years. Apart from the examination authorities even the candidates are left wondering about the certainty or otherwise of the result of the



examination – whether they have passed or not; whether their result will be approved or disapproved by the Court; whether they will get admission in a college or University or not; and whether they will get recruited or not. This unsatisfactory situation does not work to anybody's advantage and such a state of uncertainty results in confusion being worse confounded. The overall and larger impact of all this is that public interest suffers.”

Similar views have been expressed by Hon'ble Supreme Court in **Mukesh Thakur's case (supra) and Rahul Singh's case (supra)**. The observations of the court are specific inasmuch courts are not having requisite expertise to evaluate the correctness of answers in such matters and ordinarily these matters would be left to be dealt with by the experts. In the facts of the present case, the Examining Body has relied upon the opinion of the expert in the same. There are no allegation of any malafide against the experts in the matter. Otherwise also, we find that the petitioner has been awarded 04 marks and he is not prejudiced. It is noted that this court in **Arjun Singh and Ors Vs. State of Haryana and Ors, LPA-322-2025** took a similar view, wherein it held that this Court would not sit over and examine the report of expert Committee, as judges were not expert in the field, unless there is an allegation of malice against the Expert Committee (Relevant Para-25). The petitioner's contention that only one of the answers is correct and therefore if those who have marked 3rd option to be the correct answer would be excluded whereby his ranking would improve is at best an imaginative grievance which is sought to be raised before us. Considering the limitation imposed on the exercise of jurisdiction by this Court in the opinion of experts as also the fact that the petitioner otherwise is not aggrieved since he has been awarded 04 marks, we refuse to interfere in the present writ petition by granting the relief prayed for.

So far as the judgments of Hon'ble Supreme Court pertaining to NEET examination and the previous year is concerned, Hon'ble Supreme Court was faced with a bunch of writ petitions where various issues had cropped up. Paragraph 4 of the judgment of Hon'ble Supreme Court relied upon by the petitioner indicates the contest



in which the controversy came to be raised before this Court. Para 4 of the judgment reads as under:

“4. In this batch of cases, the petitioners assert tht a direction should be issued for convening a re-test on the ground that (I) there was a leakage of the question paper; and (ii) there are systematic deficiencies in the modalities envisaged for the conduct of the examination.”

In the peculiar facts of the case before Hon’ble Supreme Court, the court had exercised its jurisdiction to invite opinion of subject expert by making requests to the Director I.T. This exercise of jurisdiction by Hon’ble Supreme in the peculiar case cannot be treated to be laying down a principle of law as it would go contrary to the cautions indicated in the previous judgment of Hon’ble Supreme Court particularly contained in **Ran Vijay Singh’s case (supra)**.

In so far as the petition filed by petitioner-Gaurika is concerned, the grievance is more or less similar as the challenge is laid to the answer accepted by the Examining Body to question No.180 of Booklet No.48. In addition to what has been observed by us, the grievance of the same question falls for determination in a petition filed under Article 32 of the Constitution before Hon’ble Supreme Court in Writ Petition(s)(Civil) No.620 of 2025, wherein correctness of answer of the same question fell for determination before the Hon’ble Supreme Court. There, the question number was 136 of Booklet series No.47. Hon’ble Supreme Court having examined the matter refused to entertain the petition filed under Article 32 of the Constitution. Order dated 04.07.2025 passed by Hon’ble Supreme Court is reproduced hereinbelow:

“1. Having heard learned senior counsel for the petitioner and on carefully perusing the material placed on record, we are not inclined to entertain this petition under Article 32 of the Constitution.

2. The Writ Petition is, accordingly, dismissed.

3. Pending application(s), if any, shall stand disposed of.”



No liberty of any kind has been granted to the petitioner before Hon'ble Supreme Court to pursue any other remedy. In view of the observations made by us while considering the petition bearing *CWP No.20217-2025 (O&M)*, we refuse to entertain the present writ petition also which is accordingly dismissed.

(ASHWANI KUMAR MISHRA)
JUDGE

12.08.2025
manoj

(ROHIT KAPOOR)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No