



2026:AHC:193150-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 34719 of 2026

AFR

Nitin Mishra

.....Petitioner(s)

Versus

Union Of India And 6 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Brijesh Kumar Yadav, Inarmal Yadav
Counsel for Respondent(s)	: A.S.G.I., Aditiya Kumar Singh, Akanksha Sharma, C.S.C., Diptiman Singh, Fuzail Ahmad Ansari, Vivek Kumar Singh

Court No. - 21

**HON'BLE ARINDAM SINHA, J.
HON'BLE SATYA VEER SINGH, J.**

(Per: Arindam Sinha, J.)

1. Petitioner sat for National Eligibility cum Entrance Test (NEET) UG - 2026. He has challenged answer keys against question numbers 60 and 70. Basis of the challenge is, those questions were earlier put in Joint Entrance Examination (Mains) of 2019 and 2022. The answer keys given from the JEE test are different. Petitioner gave those answers, said to be incorrect. The disputed and corresponding questions respectively from NEET-UG-2026 and JEE Mains, 2019 are reproduced below.

"In NEET-UG-2026 (pages 25 and 40)

60. $2A \rightarrow^k B$ is a zero-order reaction, where $k = 1.0 \text{ mol L}^{-2} \text{ min}^{-1}$. If the initial concentration of A is 2 M, then the time taken to complete 75% of the reaction will be

(1) 1.5 min

(2) 0.75 min

(3) 1.0 min

(4) 2.0 min

70. Given below are two statements: One is labelled as Assertion A and the other is labelled as Reason R.

Assertion A: The first ionization enthalpy of O is lower than that of N and F.

Reason R: The loss of an electron from O leads to stable half-filled p orbital.

In light of the above statements, choose the most appropriate answer from the options given below:

- (1) Both A and R are correct and R is the correct explanation of A.
- (2) Both A and R are correct and R is NOT the correct explanation of A.
- (3) A is correct but R is not correct.
- (4) A is not correct but R is correct.

In JEE Mains, 2019 (page-36)

115. The reaction $2X \rightarrow B$ is a zeroth order reaction. If the initial concentration of X is 0.2 M, the half-life is 6 h. When the initial concentration of X is 0.5 M, the time required to reach its final concentration of 0.2 M will be:

- (a) 9.0h
- (b) 12.0h
- (c) 18.0h
- (d) 7.2h

In JEE Mains, 2022 (page-43)

70. Given below are two statements. One is labelled as Assertion A and the other is labelled as Reason R.

Assertion A: The first ionization enthalpy for oxygen is lower than that of nitrogen.

Reason R: The four electrons in 2p orbitals of oxygen experience more electron-electron repulsion.

In the light of the above statements, choose the correct answer from the options given below.

- (a) Both A and R are correct and R is the correct explanation of A.
- (b) Both A and R are correct but R is NOT the correct explanation of A
- (c) A is correct but R is not correct.
- (d) A is not correct but R is correct."

Mr. Brijesh Kumar Yadav, learned advocate appears for petitioner. He had moved the petition on 10th September, 2026.

2. Mr. Aditiya Kumar Singh, learned advocate appears for respondent no. 1 (UoI). Mr. Fuzail Ahmad Ansari, learned advocate appears for respondent no. 2 (National Testing Agency/NTA). Mr. Raj Mohan Upadhyay, learned advocate, Additional Chief Standing Counsel appears for State. Mrs. Akansha Sharma, learned advocate appears for respondent no. 4 (the counseling authority). Mr. Abhijeet Chatterjee, learned advocate holding the brief appears for respondent no. 5 (the University). Mr. Vivek Kumar Singh, learned advocate appears for respondent no. 6.

3. We are told, copy has not been served on respondent no. 7 (the Medical Counseling Committee). We are not inclined to direct issuance of notice to said respondent because respondent no. 4 (the counseling authority concerned) is represented before us.

4. On query Mr. Brijesh Kumar Yadav submits, it may well be that his client is the only person, who has challenged the answer keys as incorrect. That does not mean the Court will not exercise its extraordinary power to refer the questions and the answer options to the expert for adjudicating on the dispute. He relies on judgment of the Supreme in **Vanshika Yadav vs. Union of India** reported in **2024 (9) SCC 743**, inter-alia, paragraph 20 (Lawsuit print). The paragraph is reproduced below.

"20. On 22 July 2024, counsel for one of the petitioners advanced submissions inter alia on whether the approach adopted by NTA towards one of the questions in the examination was proper. The contours of this issue are delineated in detail in subsequent segments of this judgment. As one of the sub-issues concerned the correct answer to the question, the Court sought an expert opinion from the Indian Institute of Technology, ["IIT"] Delhi. The Director of IIT, Delhi was requested to constitute a team of three experts to determine the correct answer to the question and communicate its opinion to the Court by 12 noon on the following day.

The opinion of the expert committee was then communicated to the Court, as requested."

He submits, he himself is not an expert. His client is an examinee. His client's father is a retired teacher, from whom his client obtained advice on the questions put up for scrutiny. He submits further, learned advocates representing respondents are also not experts. He relies on our observation that we too are not experts. Therefore, there should be reference to an expert.

5. Mr. Ansari submits, petitioner had objected to the answer keys. His client examined the objection and reiterated correctness of the answer keys. He also relies on an earlier judgment of the Supreme Court in **UPPSC vs. Rahul Singh** reported in **2018 (7) SCC 254**, paragraphs 11, 12 and 14.

6. On moving of the writ petition we had observed that petitioner appears to be the only one who disputed correctness of the two questions, in a situation where large number of candidates appeared and took the test. In the circumstances, we were not inclined to probe further but for insistent persuasion by Mr. Yadav. Hence the writ petition is up for hearing and disposal today.

7. Upon hearing the parties and perusal of the judgments cited, we think fit to reproduce below the legal position summarized in **Rahul Singh** (supra). Relied upon part of paragraph 11 (Law Finder print) is reproduced below.

"11.....

.....30.2. 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;

30.3. The court should not at all re-evaluate or scrutinise the answer sheets of a candidate-it has no expertise in the matter and academic matters are best left to academics;

30.4. The court should presume the correctness of the key answers and proceed on that assumption; and

30.5. In the event of a doubt, the benefit should go to the examination authority rather than to the candidate."

(emphasis supplied)

8. Then came **Vanshika Yadav** (supra) relied upon by petitioner. Paragraph 20 from it has already been reproduced above. We also reproduce below paragraphs 45 to 47.

"[45] One of the questions in the NEET (UG) 2024 exam was as follows:

"Given below are two statements:

Statement I: Atoms are electrically neutral as they contain an equal number of positive and negative charges.

Statement II: Atoms of each element are stable and emit their characteristic spectrum.

In light of the above statements, choose the most appropriate answer from the options given below:

- (1) Statement I is incorrect but Statement II is correct.*
- (2) Both Statement I and Statement II are correct.*
- (3) Both Statement I and Statement II are incorrect.*
- (4) Statement I is correct but Statement II is incorrect."*

[46] We have not specified the question number, as both the question and the options may vary across different series of the question paper. Initially, the NTA answer key indicated that the fourth option was correct.

*[47] Subsequently, based on representations submitted to NTA, a decision was taken to treat both option (2) and option (4) as correct answers. The representations highlighted that the second option was based on an older edition of the NCERT textbook. **Many candidates had relied on** the outdated textbook and accordingly, sought the award of four marks if they had marked option (2) as the correct answer. They also relied on **the NTA Information Bulletin 2024. This bulletin states that if a question is found to be incorrect or dropped after key verification, all candidates will be awarded four marks, regardless of whether they attempted the question.** [NTA Information Bulletin 2024, Chapter 3: Examination Scheme, Clause 3.2 - Pattern of the Test.] The relevant portion is as follows:*

"(vi) If none of the options is found correct or a Question is found to be wrong or a Question is dropped then all candidates who have appeared will be given four marks (+4) irrespective of the fact whether the question has been attempted or not attempted by the candidate."

In response to the representations from aspirants, NTA amended its answer key and awarded marks to all students who had selected either option (2) or option (4). "

(emphasis supplied)

9. Our, humble interpretation of the declarations of law made by **Rahul Singh** (supra) and **Vanshika Yadav** (supra) is that there must be facts before the Court to warrant reference to an expert. We see that in **Vanshika Yadav** (supra), facts were that based on representations submitted to NTA a decision was taken to treat two options as correct. Ultimately, the NTA itself awarded four marks to all those who had attempted the questions. Here again, there is situation of those candidates, who had not attempted the questions, whether also needed to be considered. This is because, where it transpired that the question admitted of more than one correct answer, it could have deterred a candidate from attempting it because the marking process includes award of negative marks. Be that as it may, as aforesaid, we have facts before us of one candidate saying two questions were earlier put in Joint Entrance Examination (Mains) of year 2019 and 2022. He raised this objection, negated by NTA. No other of several candidates has raised similar objection. The situation does not warrant interference.

10. The writ petition is dismissed.

(Arindam Sinha,J.)

(Satya Veer Singh,J.)

September 15, 2026

Jaswant