

ITEM NO.14

COURT NO.1

SECTION XII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No.20361/2022

(Arising out of impugned final judgment and order dated 19-10-2022 in WA No.2364/2022 passed by the High Court of Judicature at Madras)

THE NATIONAL TESTING AGENCY

Petitioner(s)

VERSUS

T. UDHAYKUMAR & ORS.

Respondent(s)

(FOR I.R.)

Date : 18-11-2022 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MS. JUSTICE HIMA KOHLI

For Petitioner(s) Mr. Tushar Mehta, SG
Mr. Apoorv Kurup, AOR
Ms. Nidhi Mittal, Adv.
Ms. Aparna Arun, Adv.
Mr. Ojaswa Pathak, Adv.
Ms. Damini Garg, Adv.

For Respondent(s) Mr. Rahul Shyam Bhandari, AOR
Ms. Priya Dharshni G., Adv.
Mr. Satyam Pathak, Adv.

**UPON hearing the counsel the Court made the following
O R D E R**

1 We have heard Mr Tushar Mehta, Solicitor General for the petitioner and Mr Rahul Shyam Bhandari, counsel for the respondent on caveat.

2 The clause 3.2(b)(vi) of the Information Bulletin for the NEET-UG 2022, specifically provides as follows:

“3.2(b) For Section B (MCQ): Candidates need to attempt any 10 Questions out of 15 Questions given. In the event of a candidate has attempted more than 10 Questions, only first 10 attempted questions will be considered for evaluation. There will also be negative marking for section B. However, if any anomaly or discrepancy is found after the process of challenged of the key verification, it shall be addressed in the following manner:

ii. Unanswered/ ^{...}Marked for Review: No mark
(0)

...vi.

vi. if a question is found to be incorrect or the question is dopped then Four marks (+4) will be awarded to all those who have attempted the question. The reason could be due to human error or technical error.”

3 In the present case, it is not in dispute that the first respondent attempted only two questions as against ten questions from section (B) of the answer sheet in question and as a matter of fact, did not attempt question No 97 at all.

4 It has been submitted that the first respondent was not entitled to the benefit of grace marks as awarded by the High Court in view of clause 3.2(b) (vi).

5 Issue notice.

- 6 Counter affidavit shall be filed within a period of two weeks.
- 7 Pending further orders, there shall a stay of the impugned judgment of the High Court dated 19 October 2022.
- 8 Liberty to amend the petition to challenge the subsequent order of the High Court dated 10 November 2022 in Contempt Petition No 2490 of 2022.
- 9 There shall be a stay of the operative directions contained in the order of the High Court dated 10 November 2022.
- 10 List the Petition on 9 December 2022.

(CHETAN KUMAR)
A.R. - cum - P.S.

(SAROJ KUMARI GAUR)
Assistant Registrar