

**IN THE SUPREME COURT OF INDIA**

(ORDER XXI RULE 3 (1)(a))

CIVIL APPELLATE JURISDICTION

(UNDER ARTICLE 136 OF THE CONSTITUTION OF INDIA)

ABDUL AZEEZ. ...Petitioner

Versus

UNION OF INDIA & Ors. ...Respondents

**Special Leave Petition (C) No. \_\_\_\_\_ of 2020**

(Under Article 136 of the Constitution of India arising out of the final Judgment and order dated 30.06.2020 in W.P(C).No. 11495 of 2020 passed by the High Court of Kerala at Ernakulam)

**WITH PRAYER FOR INTERIM RELIEF**

BETWEEN	POSITION OF PARTIES	
	High Court Division Bench	Supreme Court
1. Abdul Azeez	Petitioner	Petitioner
Versus		
1. Union Of India, Represented by its Secretary, Ministry of Human Resource Development, South Block, New Delhi : 110000	Respondent 1	Respondent 1
2. National Testing Agency, Represented by its Director General, Sector 62, Noida, Uttar Pradesh : 201309	Respondent 2	Respondent 2
3. Ministry of Health and Family welfare, Represented by its Secretary, Near Udyog Bhawan Metro Station,	Respondent 3	Respondent 3

Maulana Azad Road, New Delhi: 110 011		
4. Medical Council of India, Represented by its Secretary, Pocket 14, Sector 8, Dwarka, New Delhi: 110 077	Respondent 4	Respondent 4
5. Secretary to Government, Ministry of Home Affairs, Government of India, New Delhi	Respondent 5	Respondent 5
6. Secretary to Government, Ministry of Civil aviation Government of India, New Delhi	Respondent 6	Respondent 6
7. Secretary to Government Ministry of External Affairs Government of India, New Delhi	Respondent 7	Respondent 7

To

The Hon'ble Chief Justice of India  
And His companion Justices of the  
Supreme Court of India

The Humble petition of the  
Petitioner above named

**MOST RESPECTFULLY SUBMITS:-**

The Petitioner above-named respectfully submits this petition seeking special leave to Appeal under Article 136 of the Constitution of India against the final Judgment and order dated 30.06.2020 in W.P (C).No. 11495 of

2020 passed by the High Court of Kerala at Ernakulum. By the impugned judgment passed by the High Court of Kerala while dismissing the Writ Petition held that since the Medical Council of India (hereinafter referred to as MCI) and National Testing Agency (hereinafter referred to as NTA) being expert bodies, the court cannot issue directions either to allocate NEET exam centres in the middle east or to postpone the exam because of the covid - 19 pandemic.

## **2. Questions of law**

The following substantial questions of law arise in this Petition for consideration of this Hon'ble Court;

- i) Whether the action of the respondents is violative of Article 14 in as much as the students studying abroad will be prevented from participating in the NEET – UG 2020 exam?
- ii) Whether the action of respondents is violative of Article 21A in as much as the

right of Students to education is being jeopardised by the state action?

- iii) Whether the action of the respondents has resulted in violation of Article 14 in the as much as the students are being unfairly discriminated only on the ground that they had studied abroad?
- iv) Whether the action of the respondents is in violation of Article 21 in as much as the State authorities have abdicated their responsibility of providing adequate facilities to the students to write their exam during this epidemic.

**3. DECLARATION INTERMS OF RULE 3(1):**

The Petitioner states that no other Petition seeking leave to appeal has been filed by him against the impugned judgment and order.

**4. DECLARATION IN TERMS OF RULE 5:**

The Annexures P-1 to P- produced along with the S.L.P. are true copies of the pleadings /documents which formed part of the records of the case in the court below against whose

order the leave to appeal is sought for in this petition.

**5. GROUND:**

Leave to Appeal is sought inter alia for on the following grounds that are urged in the alternative strictly without prejudice to one another:

It is submitted that the impugned order is erroneous on the following grounds:

- A. That the Ld. Division Bench has failed egregiously to scrutinize the decision taken by the Respondents to conduct the NEET examination, which is violative of Article 14 of the Constitution of India, whereby the students settled abroad will be prevented from participating in the NEET-UG 2020 exam.
  
- B. That the Ld. Division Bench ought to have found that the decision taken by the Respondents is arbitrary and is denying equal opportunity to the students who are registered to appear in NEET – UG 2020

examination during this COVID-19 pandemic.

- C. That the Ld. Division Bench has failed egregiously to scrutinize the decision taken by the Respondents, which is making unfair discrimination on NEET aspirants based on of place of residence, which is even violative of Article 14 of Constitution of India.
- D. That the Ld. Division Bench ought to have found that the decision taken by the Respondents is violating the Right to Education of the Students which is enshrined under Article 21A of Constitution of India.
- E. That the Ld. Division Bench ought to have found that it is the duty of the State to provide with the adequate facility to the students to write the exam during the Pandemic.
- F. That the Ld. Division Bench ought to have found that the Respondents have already allotted examination centres abroad for Joint Entrance Examination (JEE), a similar all

India Entrance test for admission into engineering course, but refusal to allot examination centres abroad for NEET-UG 2020 is arbitrary.

G. That the Ld. Division Bench ought to have considered the future of the Students in light of the current extraordinary situation and directed the NTA/MCI to sanction exam centres in the Middle East and other Gulf Countries.

H. That the Ld. Division Bench erred egregiously in not setting aside the decision of NTA and MCI to conduct NEET on 26.07.2020 until the normalcy is restored.

**6. GROUND FOR INTERIM RELIEF:**

a. That the students are preparing for the NEET-UG 2020 examination for past several years. If the students are not able to attend the exam this year, they will undergo severe mental stress.

- b. That the Central Government decision to conduct the NEET-UG 2020 examination amidst the COVID-19 pandemic is a risky decision whereby Central Government is risking with the future of expatriate students.
- c. That the NTA is having expertise in providing examination centres abroad for the Joint Entrance Examination (JEE) for engineering course. Hence, the NTA ought to provide centres for conducting NEET-UG 2020.

**7. MAIN PRAYER**

In view of the above, it is most respectfully prayed that this Hon'ble Court may be pleased to:-

- a) Grant Special Leave to Appeal against the final Judgment and order dated 30.06.2020 in W.P.(C) No. 11495 of 2020 passed by the High Court of Kerala at Ernakulum;
- b) Pass such other order or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

**8. PRAYER FOR INTERIM RELIEF:**

In view of the above, it is most respectfully prayed that this Hon'ble Court may be pleased to:-

- a) Grant an order staying the judgment and order dated 30.06.2020 in W.P.(C) No. 11495 of 202;
- b) Grant an order providing Examination centres for NEET UG in Middle East and Other Gulf Countries;
- c) Grant an order deferring the NEET-UG 2020 examination until the normalcy is restored or until a decision is taken on the request of the students for allowing examination centres abroad; and /or
- c) Pass any further orders as this Hon'ble Court deems fit;

AND FOR THIS ACT OF KINDNESS, THE PETITIONER AS IN DUTY BOUND SHALL EVER PRAY.

DRAWN BY

FILED BY

(Haris Beeran)

(Pallavi Pratap)

Advocate

Advocate for the Petitioner

NEW DELHI

Drawn On:-30.06.2020

Filed On:- .07.2020