



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

WRIT PETITION (St.)NO.10079/2020

Union of India, through Directorate General of Health Service,
Ministry of Health and Family Welfare, New Delhi and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Ashwin Deshpande, Advocate for petitioner.
Shri Ulhas Aurangabadkar, Assistant Solicitor General of India for respondent
nos. 1 and 2.
Shri PS.Chawhan, Advocate for respondent no.3.
Shri S.Y.Deopujari, Government Pleader for respondent nos. 4 and 5.

CORAM :- A.S.CHANDURKAR AND N.B.SURYAWANSHI, JJ.
DATED :- OCTOBER 19, 2020.

Hearing was conducted through video conferencing and the learned counsel agreed that the audio and video quality was proper.

The petitioner is a student who had appeared for National Eligibility cum Entrance Test (NEET) (UG)-2020 examination. As per the Information Bulletin published by the National Testing Agency-respondent no.3, the Optical Mark Recognition (OMR) sheet was uploaded on its website with a view to give an opportunity to the candidates to make a representation in accordance with Clause 15.4 of the Information Bulletin. In para 7 of the writ petition, it has been pleaded that such OMR sheet was not uploaded as a result of which the petitioner did not have

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an opportunity to challenge the OMR gradation of her attempt. The results of the NEET (UG) 2020 examination were declared on 16.10.2020 and the petitioner is stated to have scored Zero marks out of Seven Hundred Twenty. It is the further case of the petitioner that at 11.28 p.m. on 16.10.2020 she has made a representation to the respondent no.3 and till date there has been no response to the same. Such representation is permissible for being made under Clause 15.4 of the Information Bulletin. According to the petitioner, she having scored 81.85% marks in the H.S.C. examination, she was expecting a score of about 600 marks. It is her grievance that on account of some technical discrepancy it is likely that zero marks have been awarded to her.

It is seen that under Clause 15.4 of the Information Bulletin, there is no provision for re-checking/re-valuation of the answer sheets. The only opportunity given to a candidate is to make a representation on the OMR gradation of the candidates OMR sheets. In the present case such representation has been made after declaration of the results.

We are conscious of the scope available for interference in matters of the present nature. The law in this regard can be referred to as laid down in ***Ran Vijay Singh and others Vs. State of Uttar Pradesh and others (2018) 2 SCC 357*** and especially paragraph 30 thereof. *Prima facie*, considering the fact that the petitioner has been awarded zero marks a response from the respondents is called for.



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Issue notice for final disposal of the writ petition, returnable on **26.10.2020**.

Shri Ulhas Aurangabadkar, learned Assistant Solicitor General of India waives notice for the respondent nos. 1 and 2, Shri P.S.Chawhan, learned counsel waives notice for the respondent no.3 and Shri Sumant Deopujari, learned Government Pleader waives notice for the respondent nos. 4 and 5.

Leave to move before the returnable date in case the process of admission commences.

JUDGE

JUDGE

Andurkar..