

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 8390 of 2023**

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KEYUSH SUBHASBHAI PATEL
Versus
NATIONAL TESTING AGENCY

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Appearance:

MR DHAVAL D VYAS(3225) for the Petitioner(s) No. 1
for the Respondent(s) No. 1
DS AFF.NOT FILED (N) for the Respondent(s) No. 2,3

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CORAM:HONOURABLE MS. JUSTICE SANGEETA K. VISHEN

Date : 05/05/2023
ORAL ORDER

1. Mr Dhaval D. Vyas, learned advocate appearing for the petitioner has tendered the draft amendment. Amendment is allowed in terms of the draft. The same shall be carried out forthwith.

2. Mr Dhaval D. Vyas, learned advocate for the petitioner, submitted that the son of the petitioner, is a student with a credible academic track record and has cleared the class 10th examination scoring 90% marks and class 11th science stream examination scoring 97% marks. It is submitted that the results of 12th standard examination are awaited. It is submitted that JEE Mains examination was conducted, the son of the petitioner, had appeared and was made available the response sheet uploaded on the official website which, was downloaded at around 07:03 a.m. on 20.04.2023 according to which, the student, has attempted all the questions. Surprisingly, what was downloaded at around 01:15 p.m., indicates that the student, has not attempted a single question. It is

submitted that the reason behind, could be the technical glitch which, has wiped off the answers attempted by the students.

3. Mr K. V. Shelat, learned advocate appearing for the respondent no.1, submitted that apropos the request made by Ms Dhyanvi Patel on 20.04.2023, that a reply was sent on 27.04.2023 indicating the HTML link pertaining to the student and as per the link provided, the student, has not answered a single question. It is submitted that the link provided on 27.04.2023, is only official link which, the respondent no.1 has sent. So far as the other links i.e. page 7 and page 52 are concerned, they are not at all the links relatable or the official link provided by the respondent no.1. So far as the videography of the examination center is concerned, it is submitted that the agency has issued the work order of deploying the CCTVs at all the examination centers of JEE Mains. The CCTV records, are in the office of the service provider which can be retrieved with due process being confidential in nature and for which, two weeks' time would be required.

4. In the *prima facie* opinion of this Court, the result placed on record page 7 vis-a-vis result page 52 are difficult to believe as it is, considering the fact that the sheet downloaded from the link https://g05.digialm.com//per/g28/pub/2083/touchstone/Assessment/QPHTMLMode1//2083O2349/2083O2349S13D54860/16814528130525979/GJ12002908_2083O2349S13D5486oE1.html#, the student has attempted all the questions. Whereas, the sheet at page 52, indicates that the student, has not attempted a single question. Therefore, both the response sheets, give an extreme indication which, is difficult to believe.

5. Let Mr K. V. Shelat, learned advocate for the respondent no.1

file an affidavit, with an advance copy to be served to the petitioner, on or before 15.05.2023. Together with the affidavit, the respondent no.1 shall also make available the videography of the examination centre. Rejoinder, if any, to be filed on or before 25.05.2023 with an advance copy to the other side.

6. Since the examinations of JEE Advance are scheduled to take place on 04.06.2023, let the matter appear on 29.05.2023.

7. In the meantime, the newly added respondent is directed to accept the application of the student Mr Khush Keyush Patel for JEE Advance examination. Merely filing of an application, shall not create any equity in favour of the student i.e. son of the petitioner.

8. Needless to clarify that the said arrangement is without prejudice to the rights and contentions of the respective parties and would be subject to further orders that may be passed by this Court.

9. The copy of the order may be provided to Mr K. V. Shelat, learned advocate for the respondent no.1 so also Mr Siddharth Dave, learned advocate for onward transmission for information and compliance.

10. Direct service, today, is permitted.

RAVI P. PATEL

(SANGEETA K. VISHEN,J)