

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

I.A. NO. _____ OF 2020

IN

SPECIAL LEAVE PETITION (CIVIL) NO. 8214 OF 2020

IN THE MATTER OF:-

ABDUL AZEEZ

...Petitioner

Versus

UNION OF INDIA & Ors.

...Respondents

REJOINDER AFFIDAVIT FILED BY PETITIONER

1. I, the Deponent herein, am also the Petitioner in the present matter and am well conversant with the facts and circumstances of the case and as such competent to swear upon this affidavit on my behalf. The Present Petition is pending disposal before this Hon'ble Court.

2. At the outset, the Petitioner expressly denies all the submissions made by the Respondent No.2 in his counter affidavit, unless admitted hereunder

3. The Petitioner seeks leave of this Hon'ble Court to rely on the facts and grounds stated in the main SLP for the sake of brevity and to avoid any inconvenience to this Hon'ble Court.

4. That it is submitted that the Respondent No.2 - NATIONAL TESTING AGENCY (NTA) is the authority conducting NEET examinations as well as Joint Entrance Examination (JEE). JEE is

conducted for admissions into engineering courses in IIT's and NIT's in the country. The said examination has got the centre's in India and in foreign countries as well. The JEE is both an online and offline mode examination. It is to be noted that the List of examination cities for JEE (Main) 2020 as provided in the JEE information bulletin issued by NTA shows allocation of exam centre's outside India are in Bahrain, Colombo, Doha, Dubai, Kathmandu, Muscat, Riyadh, Sharjah, and Singapore. Since the NTA has got expertise in conducting the entrance examinations abroad, it is respectfully submitted that for this year's NEET-UG 2020 examination, the same model may be adopted so that these students who are abroad may be able to take part

in the examination without any difficulty or risks of losing their chance to attend examination.

A true copy of the Information Bulletin issued by NTA for JEE (Mains) 2020 is produced herewith and marked as **ANNEXURE P-22 [Pg 15 to 41]**.

5. It is to be noted that, Due to the extraordinary circumstances amidst COVID-19 pandemic, the NEET and JEE examination date has been postponed twice and now as per the latest Public notice dated 03.07.2020 issued by NTA, the NEET-UG 2020 examination is rescheduled to 13.09.2020 and the JEE (Mains)2020 is scheduled to be conducted on 1-6th of September 2020.

A true copy of the latest Public notice dated 03.07.2020 issued by NTA, the NEET-UG 2020 examination is rescheduled to 13.09.2020 and

the JEE (Mains)2020 is produced herewith and marked as **ANNEXURE P-23 [Pg — to 42]**.

6. It is to be noted that the qualification to attend JEE and NEET are same so that many of the students attend both the JEE and NEET examinations hoping to get admission in either Engineering or Medical stream in any of the prestigious institution in the country. JEE and NEET are most toughest examination in India and many ambitious students starts their preparation at least 2 years prior to the said examination.

7. It is most respectfully submitted that the JEE (Mains)2020 is scheduled to be conducted on 1st to 6th of September and the NEET-UG 2020 is scheduled to be conducted on 13th of September. As mentioned above, NTA has provided examination centres in foreign countries for JEE

mains and not for NEET examination. Students who have applied for both JEE (Mains) 2020 and NEET-UG 2020 examinations, who are living abroad and selected foreign centres to attend JEE have the opportunity to attend JEE but it is nearly impossible for them to travel back to India in a short period during this pandemic situation to attend the NEET examination on 13th September in Indian centres. It is to be noted that the gap provided between both the JEE and NEET exams are less than the mandatory quarantine period as prescribed in COVID-19 protocol. So, even if the students manage to reach India to attend the NEET examination, they would be in Quarantine during the day of NEET-UG 2020 examination and the students will lose their opportunity to attend NEET examination. Thus

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the decision of the Respondent No.2 to conduct the JEE and NEET examinations by providing only 6 days gap, and without providing adequate facilities for smooth conduct of both the examinations in the interest of the welfare of the students living abroad are impractical and thus the decision of the Respondent No.2 is arbitrary.

8. It is further submitted that the latest order issued by Ministry of Home affairs, Government of India dated 29.07.2020 provides guidelines for phased re-opening - Unlock 3.0 in the country. It is to be noted that even though all the activities are permitted out-side containment zones and lock-down is limited only to Containment zones, certain activities are still restricted outside the containment zones as well which include International air travel of passengers. It is stated

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that the restrictions continues to remain till 31st August 2020. Even though if International Air travel restrictions are withdrawn after 31.08.2020 it will make impossible for those students to attend the NEET -UG 2020 examination scheduled on 13.09.2020 in Indian Centres once after attending their JEE Mains exams on 6.09.2020 from foreign centres. As the students will expose to COVID - 19 risks they would have to undergo quarantine upto 28 days depending upon their destination of arrival in India. Moreover, the students will undergo severe mental trauma if they stand risking their 1 academic year, who are preparing for this exam from past few years.

A true copy of the MHA Order dated 29.07.2020 bearing no. 40-3/2020DM-I(A) is produced

herewith and marked as **ANNEXURE P-24**

[Pg 43 to 50].

9. It is most humbly submitted that priority of travel from Qatar and other gulf countries to India is given to repatriation passengers, stranded passengers, emergency cases, medical conditions, old age people, and demise of relatives. The NEET Applicants and their parents doesn't fall under the priority list. Hence there is an uncertainty. Moreover the numbers of repatriation flights operating from Qatar to India are very less in number and it is doubtful that whether all the NEET-UG 2020 applicants along with their parents could get on board flight and travel back to India.

A true copy of the list of flights from Qatar to India under Vande Bharath Mission – Phase 5 is

produced herewith and marked as **ANNEXURE P-25 [Pg 51 to 54]**.

10. It is submitted that the Indian consulate in Qatar has showed their willingness to provide adequate facilities to conduct the NEET-UG 2020 examination in Qatar. Consulates could act as custodian of Question paper if the exams in Qatar and other Gulf countries are conducted in Pen-Paper basis. If it is not possible, the Petitioner's prayer is to conduct an online test for NEET-UG 2020, same like JEE(Mains) is conducted, keeping in mind the current Pandemic situation and following travel restrictions.

11. Therefore the respectful prayer is to have :

- a. To provide NEET-UG Examination centre's in Qatar and other gulf countries, or;
- b. To provide Online mode of Examination

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12. In alternative it is most respectfully prayed that, if the Hon'ble court isn't inclined to direct NTA to provide Examination centre's in Qatar or to provide an Online mode of examination, the petitioner is humbly prayed to provide adequate facility to the NEET-UG 2020 applicants and their parents to travel to India to attend the examination and to return back to Qatar after attending the examination by waiving off the mandatory quarantine period which extends upto 28 days in various states in India including in the State of Kerala so that the NEET applicants could easily attend the NEET-UG 2020 examination in Indian centres on 13th September 2020. Furthermore, the process of medical checks and institutional quarantine creates unnecessary mental trauma and financial burden on the NEET

applicants and as well as to the Parents who accompany them and the same is impracticable to follow in this particular issue. Moreover, as the Job conditions in Gulf countries are unstable due to current crisis, staying away from place of work for such a lengthy period, the Parents of NEET applicants stand losing their livelihood.

A true copy of the revised guidelines for testing, quarantine, hospital, admission and discharge for COVID-19 based on current risk assessment issued by Health & Family welfare department Kerala state on 12.03.2020 is produced herewith and annexed as **ANNEXURE P-26 [Pg 55 to 65]**.

13. Standard Operating Protocol issued by the State of Kerala for passenger movement post disembarkation provides COVID-19 protocols and states that State of Kerala mandates 28 days of

home quarantine for foreign returnees. A true copy of the SOP for passenger movement post disembarkation is produced herewith and marked as **ANNEXURE P-27 [Pg 66 to 68]**.

14. In view of the same, it is the humble submission of the Petitioners that the counter Affidavit filed by the Respondent No.2 is absolutely devoid of merit and therefore appropriate action be taken by this Hon'ble Court against the Contemnors.

15. That the Petitioner states that the present affidavit is bonafide and in the interest of justice, and therefore, the same may be taken on record as these documents are essential for deciding the issue arising in the above petition.

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DEPONENT

Verification

Verified at Ernakulam on this the 20th day of August, 2020 that the contents of paragraphs. 1 to 15 of my above affidavit are true and correct to my knowledge and believe, that no part of it is false and nothing material has been concealed there from.

DEPONENT