

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 Court's or Judge's Order Coram, appearances, Court's Orders

or directions and Registrar's order

Shri Ashwin Deshpande, Advocate for petitioner.

Shri Ulhas Aurangabadkar, Assistant Solicitor General of India for respondent nos. 1 and 2.

Shri P.S.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

∴

2

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.

3

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 Andurkar..