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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 10319/2020

MUSKAN SABHARWAL & ORS. .... Petitioners

Through Mr. Gopal Sankaranarayanan, Sr.  
Adv. with Ms. Tanvi Dubey, Dr. Charu Mathur  
Mr. Malak Bhat and Mr. Sanjeev Dubey, Advs.  
versus

NATIONAL TESTING AGENCY & ORS. .... Respondent

Through Mr. Amit Bansal, Adv.. For R-1.

**CORAM:**

**HON'BLE MR. JUSTICE JAYANT NATH**

**ORDER**

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**11.12.2020**

This hearing is conducted through Video-Conferencing.

**CM Nos. 32666-32667/2020(exemption)**

The applications are allowed subject to all just exceptions.

**W.P.(C) 10319/2020CM No. 32665/2020**

1. By this writ petition, the petitioners seek the following reliefs:-
  - 'a) to quash and set aside the Notice dated 27.09.2020 issued by the National Testing Authority (Respondent No. 1, herein) *inter alia* providing for the procedure to challenge the answer key.
  - b) to quash and set aside the Notice dated 05.10.2020 issued by the National Testing Authority (Respondent No. 1, herein) *inter alia* providing for the procedure to challenge the OMR sheets.
  - c) to direct the Respondent No. 1 to refund an amount of Rs.91,000/- paid by Petitioner No. 5 in terms of the procedure prescribed vide notice dated 05.10.2020 for challenging the OMR sheet.

d) to direct the Respondent No. 3 to allow the Petitioners to register for the counselling process.

e) to direct the Respondent No. 1 to provide the original OMR sheets of the Petitioners, on an urgent basis and within the timeframe as mentioned in the Representation dated 04.12.2020 issued by the Petitioners to Respondent No. 1, in terms of Order dated 03.12.2020 issued by the Hon'ble Supreme Court of India.

f) to direct the Respondent No. 3 to accommodate the Petitioners on the basis of the available seats, once the scrutiny is done in the matter after receiving the original OMR sheets of the Petitioners from the Respondent No. 1.

g) to direct the Respondent No. 1 to, henceforth, return the carbon copy of the OMR sheets after the conduct of examination.

h) to direct the Respondent No. 1 to constitute a high powered committee to examine the complaints regarding the tampering of the OMR sheets of the Petitioners, so as to ensure transparency in the evaluation process.

h) to direct the Respondent No. 1 to constitute a high powered committee to examine the complaints regarding the tampering of the OMR sheets of the Petitioners, so as to ensure transparency in the evaluation process.

i) Issue a writ of Mandamus, or any appropriate writ, order or direction to direct Respondent No. 2 to issue appropriate regulations to ensure free, fair and smooth process of evaluation;”

2. The grievance of the petitioners is that on 13.09.2020, the National Eligibility cum Entrance Test (NEET 2020) was conducted. On 05.10.2020,

the OMR sheets were uploaded on the website of respondent No. 1. It is stated that the petitioners and many other similarly placed students were shocked to learn that the answers recorded in the OMR sheets do not tally with the actual answers recorded by them. It is stated that here is huge apprehension of tempering with the answer sheets. Details of the alleged differences in the OMR sheets as put on the website and as according to the petitioners there should have been, are set out in the writ petition. It is also stated that the process to challenge the OMR answer sheets is arbitrary and unjust as large amount is required to be paid per question.

3. It has also been pointed that the petitioners had first approached the Supreme Court by way of a writ petition under Article 32 of the Constitution of India. The same was disposed of on 03.12.2020 noting that the representations have been preferred by a few of the petitioners for supply of the original OMR sheets for verification. The Supreme Court had noted that NTA would consider the representations of the petitioners for furnishing the original OMR sheets. Further grievance of the petitioners relating to the procedure prescribed for challenging the answer key and the OM sheet was to be raised in a writ petition to be filed under Article 226 of the Constitution of India.

4. Learned counsel for respondent No. 1 has entered appearance on the request of the court. He seeks a copy of the petition. A copy of the petition be supplied to Mr. Amit Bansal, learned counsel for respondent No.1

5. Learned counsel for respondent No.1 states that in some of the matters, the respondent has permitted physical inspection of the OMR Sheets.

6. In these facts and circumstances, let respondent No. 1 allow the

petitioners or their representatives to physically inspect the OMR sheets on 14.12.2020 at 11.00 AM at the Okhla Office of respondent No. 1. The petitioners are also permitted to take photographs of the original OMR sheets.

7. List this matter on 16.12.2020

**JAYANT NATH, J**

**DECEMBER 11, 2020**

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