

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 368/2024

ALAKH PANDEY

Petitioner(s)

VERSUS

NATIONAL TESTING AGENCY & ANR.

Respondent(s)

(IA No. 131968/2024 - EARLY HEARING APPLICATION
IA No. 131530/2024 - EX-PARTE AD-INTERIM RELIEF)

ITEM NO.4

Writ Petition(s)(Civil) No(s). 366/2024

JARIPITI KARTHEEK

Petitioner(s)

VERSUS

NATIONAL TESTING AGENCY (NTA) & ORS.

Respondent(s)

(IA No. 131306/2024 - CLARIFICATION/DIRECTION)

Date : 13-06-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VIKRAM NATH
HON'BLE MR. JUSTICE SANDEEP MEHTA
(VACATION BENCH)

For Petitioner(s) Mr. J Sai Deepak, Adv.
Mr. Rohit Jain, Adv.
Mr. Aslam Ahmed Jamal, AOR
Ms. Kheyali Singh, Adv.
Ms. Shabiesta Nabi, Adv.
Mr. Abhishek Dwivedi, Adv.
Mr. Rahat Khan Afridi, Adv.

Mr. Y. Balaji, Adv.
Mr. Chirag Sharma, Adv.
Mr. Vijay Kumar, Adv.
Mr. Chand Qureshi, AOR

For Respondent(s) Mr. Tushar Mehta, Solicitor General
Mr. Naresh Kaushik, Sr. Adv.
Mr. Kanu Aggarwal, Adv.
Mr. Vardhman Kaushik, AOR
Mr. Nishant Gautam, Adv.
Mr. Dhruv Joshi, Adv.
Mr. Anand Singh, Adv.
Mr. Mayank Sharma, Adv.

UPON hearing the counsel the Court made the following
O R D E R

By means of Writ Petition (Civil) No. 366 of 2024, under Article 32 of the Constitution, the petitioner Jaripiti Kartheek, who had appeared in National Eligibility-cum-Entrance Test (NEET) UG-2024 Exam, has raised a grievance regarding grant of compensatory marks to 1563 candidates by using normalisation formula where the candidates who had appeared at some of the examination centres were not allowed to utilize full 3 hours and 20 minutes time but were granted lesser time. The compensatory marks were awarded on the basis of recommendations of the Grievance Redressal Committee constituted by the National Testing Agency¹ relying upon a judgment of this Court in the case of 'Disha Panchal and Others Vs. Union of India'². This award of compensatory marks was objected to by other candidates and apparently some petitions were also filed before the High Courts challenging the award of such marks. NTA thereafter

1 NTA
2 (2018) 17 SCC 278

constituted another Committee to reconsider the issue and give its recommendations as to whether the award of compensatory marks was justified. This subsequent Committee held meetings on 10th June, 2024, 11th June, 2024 and 12th June, 2024 and after deliberations made recommendations which have been placed before us by Mr. Kanu Aggarwal, learned counsel appearing for Union of India(UOI).

According to the said recommendations, it has been suggested that the score cards of the affected 1563 candidates issued on 4th June, 2024 will stand cancelled and withdrawn. These affected 1563 candidates will be informed about their actual scores without compensatory marks. Further re-test will be conducted for the affected 1563 candidates. The result of those affected 1563 candidates who do not wish to appear for the re-test will be declared based on their actual marks (without adding compensatory marks) obtained by them in the test held on 5th May, 2024 and the marks obtained by the candidates who appear in the re-test will be considered and their marks obtained in the test held on 5th May, 2024 will be discarded. Such recommendations are recorded in paragraph 8 of the report, which is reproduced hereunder :

"8. After examining all the aspects

of the situation in totality, this committee concludes that the most appropriate, fair and reasonable solution to the issue would be subjecting those 1563 candidates to a retest at the earliest possible. This Committee therefore considers it most appropriate to recommend as under :

(i) The Score Cards of all affected (1563) candidates issued on 04.06.2024 will stand cancelled and thus withdrawn. The affected 1563 candidates will be informed of their actual Scores (without compensation), through their registered email IDs.

(ii) A re-examination will be conducted for the affected candidates (1563). The directions of re-examination passed by Courts in individual cases will also be included by NTA.

(iii) The result of those affected candidates (1563) who do not wish to appear for the re-examination, will be declared based on their actual marks (without compensation) obtained in the examination

conducted on 05.05.2024

(iv) The marks obtained by the candidates who will appear in the re-test will be considered and their marks based on examination on 05.05.2024 will be discarded."

Mr. Naresh Kaushik, learned counsel appearing for the NTA, upon instructions, has stated that the re-test will be notified today itself and would be held on 23rd of June, 2024. The result of the same would be declared prior to 30th June, 2024 so that the counseling which is likely to start from 6th July, 2024 onwards would not be affected.

Upon such submissions made by the learned counsel for the UOI and the NTA, Shri Y. Balaji, learned counsel appearing for the petitioner in Writ Petition (Civil) No. 366 of 2024 submits that the decision taken is a fair decision and he has no further grievance regarding compensatory marks issue.

Learned counsel appearing in Writ Petition (Civil) No. 368 of 2024 submits that though he has substantially raised the issue of compensatory marks with which he is now broadly satisfied with the decision taken by the Union and the NTA, as recorded above, however, he states that he has raised other issues in this petition as such the petition may be

kept alive for other issues.

Having considered the submissions and the material placed on record, this Court finds that the recommendations made by the Committee on 12th June, 2024 after deliberations held on 10th, 11th and 12th June, 2024, are fair, reasonable and justified. Accordingly, the respondent NTA may proceed for holding the re-test as indicated above.

Considering the aforesaid, we dispose of Writ Petition(Civil) No. 366 of 2024.

Pending application(s), if any, shall stand disposed of.

In so far as Writ Petition (Civil) No. 368 of 2024 is concerned, so far as the issue of the compensatory marks is concerned, the same stands closed however, with respect to the other issues, the represented respondents will file their response within two weeks. Issue notice to the unrepresented respondents, returnable on 08th July, 2024.

Tag with Writ Petition(Civil) No. 335 of 2024.

List on 8th July, 2024.

(SONIA BHASIN)
COURT MASTER (SH)

(RANJANA SHAILEY)
COURT MASTER (NSH)