APHC010282182025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3483]**
(Special Original Jurisdiction)

MONDAY,THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND TWENTY FIVE

PRESENT

HONOURABLE THE CHIEF JUSTICE DHIRAJ SINGH THAKUR

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 14243/2025

Between:

1. DUDEKULA SHAMEERA, , D/O.MAHAMMADBABU, AGED ABOUT 22 YEARS, OCC- STUDENT ,R/O.1-73, DODAGATTA (VILLAGE,MANDAL AND PO),ANANTHAPURAM DISTRICT, ANDHRA PRADESH-515123.

...PETITIONER

AND

1. THE UNION OF INDIA, REP BY ITS SECRETARY TO GOVERNMENT HEALTH ,MEDICAL AND FAMILY WELFARE, NIRMAN BHAVAN,NEW DELHI-110011.
2. THE UNION OF INDIA, REPRESENTED BY ITS SECRETARY, DEPARTMENT OF HIGHER EDUCATION, MINISTRY OF EDUCATION, OFFICE AT ROOM NO.128-C SHASTRI BHAWAN, NEW DELHI-110 001
3. THE MEDICAL COUNSELLING COMMITTEE, O/O THE DIRECTORATE GENERAL OF HEALTH SERVICES, MINISTRY OF HEALTH AND FAMILY WELFARE GOVERNMENT OF INDIA, NEW DELHI.

4. THE DIRECTOR GENERAL OF THE NATIONAL TESTING AGENCYNTA, NEW DELHI.
5. THE STATE OF ANDHRA PRADESH, REPRESENT BY IT'S PRINCIPAL SECRETARY, MEDICAL, HEALTH AND FAMILY WELFARE DEPARTMENT, VELAGAPUDI, AMARAVATI, ANDHRA PRADESH

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ, order or direction particularly one in the nature of writ of Mandamus declaring the action of the 4th respondent in not addressing the representation of the petitioner dated- 05.06.2025 and 06.06.2025 for publishing a mismatched OMR answer sheet as illegal, arbitrary and violative of Articles 14,19 and 21 of the Constitution of India and Consequently direct the respondents to conduct a thorough inquiry by comparing the petitioners handwriting and thumb impression with the disputed OMR sheet and take corrective steps accordingly, including revising the result based on the actual OMR sheet submitted by the petitioner during examination and pass

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased may be pleased to direct the respondents to reserve one MBBS/BDS seat for the petitioner in any Government or Private Medical College in the State of Andhra Pradesh and direct the respondents not to finalize the result of the petitioner till final disposal of the writ petition and pass

Counsel for the Petitioner:

1. T.SURYANARAYANA

Counsel for the Respondent(S):

1. GP FOR MEDICAL HEALTH FW
2. Y V ANIL KUMAR (Central Government Counsel)

ORDER

The grievance of the petitioner is that respondent no.4-The Director General of National Testing Agency (NTA) published a mismatched OMR answer sheet in lieu of the OMR answer sheet filled in by her and hence a thorough inquiry is sought to be ordered.

2. The contents of the writ petition, in brief, are that the OMR sheet provided to the petitioner via email and registered post is not the OMR sheet filled in by her during the examination and though the petitioner attempted all 180 questions and answered correctly 171 questions, the disputed OMR sheet provided would show as if eleven (11) questions alone were attempted and further the thumb impression and signature appear on the disputed OMR sheet do not belong to her. That the representations submitted by the petitioner seeking verification of the handwriting and thumb impression of the disputed OMR sheet were without response.

3.The respondent no.4 filed counter affidavit denying the material averments of the writ petition further contending that NEET (UG) is a Pen & Paper based Test to be answered on the specially designed machine gradable OMR answer sheet using Ball Point Pen provided at the centre. That the

petitioner was allotted Test Booklet Code 48 with Answer Sheet No.116459984, which was signed by her besides affixing her thumb impression after filling the particulars of her name, father's name, mother's name and Roll Number and further the petitioner signed the attendance sheet upon receiving the Test Booklet and the OMR and the same was countersigned by the room invigilators. That the OMR answer sheet which bears the aforesaid details would show that the petitioner had attempted only 11 questions out of 180, out of which only two (02) questions were correctly answered. That the OMR sheets collected from each candidate including that of the petitioner were placed in a pink paper envelope and it was sealed in front of the candidates in the exam room itself and in evidence thereof signatures of two candidates of the room were taken on the said envelop. That the NTA has a fool-proof system in which it is impossible to tamper or swap any OMR answer sheet. Therefore, the allegation of mismatching/ tampering/swapping of OMR answer Sheet is absolutely false. The writ petition lacks merit and the same deserves dismissal.

4. Heard *Sri T.Suryanarayana*, learned counsel for petitioner, and *Sri Y.V.Anil Kumar*, learned Central Government Standing Counsel for respondent nos.1 and 2 and the learned Government Pleader for Medical & Health for respondent no.5.

5. Sri *T.Suryanarayana*, learned counsel for petitioner, in elaboration would contend that the OMR sheet provided to the petitioner via email and registered post was not OMR answer sheet filled in by her during the examination and the OMR answer sheet filled in by her was replaced with another OMR answer sheet by forging her signature and thumb impression. The learned counsel would further contended that the petitioner had attempted all the 180 questions and 171 were found answered correctly when compared with the official key, however the OMR sheet provided to the petitioner would show as if she had attempted eleven (11) questions and answered two (02) questions correctly. He would further contend that the representations submitted by the petitioner to the respondents seeking verification of handwriting and thumb impression of the petitioner with the ones appear on the disputed OMR answer sheet were unresponsive and therefore the respondents may be directed to order an enquiry and take corrective steps. Accordingly, prayed to allow the writ petition.

6. On the other hand, the learned counsel for respondents while reiterating the contents of the counter-affidavit filed by respondent no.4 would contend that soonafter collection of OMR answer sheets, they were placed in pink paper envelop and the said envelop was sealed in exam room itself before all the candidates and signatures of two candidates were taken in

proof thereof and therefore, there is no possibility for tampering or swapping of any OMR answer sheet as alleged by the petitioner. He would further contend that the writ petition is frivolous and meritless and the same deserves dismissal. Accordingly, prayed to dismiss the writ petition.

7. Perused the material available on record and considered the submissions made by learned counsel for the parties.

8. The procedure narrated by respondent no.4 in the counter affidavit regarding securing and sealing of OMR answer sheets in a pink paper envelop in the presence of students in the exam room itself and procuring signatures of two students as witnesses for due observance of the said procedure has not been denied by the petitioner by filing any reply to the counter affidavit filed by respondent no.4.

9. In the absence of the same, it can safely be presumed that the OMR answer sheet of the petitioner along with other students of the exam room was placed in a pink paper envelop and the said envelop was sealed as described by respondent no.4 in the counter affidavit.

10. Further, the learned counsel for the petitioner places heavy reliance on the dissimilarity between the signatures appear on the petitioner's Admit Card-Provisional and the OMR answer sheet provided to her via email and

registered post. Upon close perusal, the signature of the petitioner found on the Admit Card-Provisional is not even matching with any of her signatures found on the writ affidavit and her vakalat filed at the first instance. It is curious enough to note that the signature found on the no objection vakalat filed is not at all tallying with any of the signatures found on the writ affidavit, her first vakalat and also the Admit Card-Provisional. This shows that dissimilarity between the signatures on her Admit Card-Provisional and OMR answer sheet provided to her, cannot be considered as a ground to hold that there was tampering of OMR answer sheet filled in by her during examination.

11. It is relevant here to note that handwriting and signature of any person are subject to inherent inconsistencies. The physical and emotional state of person at the time of subscribing the signature plays a vital role and would contribute a lot to inconsistencies. The state of mind of the petitioner at the time of subscribing signature in exam room would definitely be anxious and stressed than at the time of subscribing the signature on Admit Card-Provisional. Therefore, variations in signatures between the Admit Card and the OMR answer sheet cannot be based as a ground to contend any tampering or swapping of answer sheets as sought to be contended by the learned counsel for the petitioner.

12. The observation reached supra coupled with the presumption regarding the practice of securing and sealing the answer sheets by respondent no.4-the National Testing Agency would render the contention of the petitioner regarding tampering of OMR answer sheets an impossibility.

13. Adding to the above, the petitioner did not ascribe any ill-will or *mala fide* intention on the part of any of the officiating staff of the exam room to the effect that they might have tampered or swapped the OMR answer sheet filled in by the petitioner with the disputed OMR sheet to see that she may not get through the examination.

14. In view of the above, this writ petition being lack of merit deserves dismissal.

15. Accordingly, the writ petition is dismissed. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

DHIRAJ SINGH THAKUR,CJ

RAVI CHEEMALAPATI,J

RR