



2025:DHC:8768



\$~134

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

%

Judgment Delivered on: 25.09.2025+ **W.P.(C) 12858/2025****ABID KHAN**

.....Petitioner

Through: Ms. Sumitra Choudhary, Mr. Raghav Raman, Ms. Nitya Sharma and Ms. Jasmine Sheikh, Advs.

versus

NATIONAL TESTING AGENCY & ORS.Respondents

Through: Mr. Sanjay Khanna, SC for R-1/NTA with Ms. Pragya Bhushan, Mr. Tarandeep Singh, Ms. Vilakshana Dayma and Ms. Mukta Singh, Advs. Mr. Raj Kumar, CGSC for R-2/UOI.

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

JUDGMENT**VIKAS MAHAJAN, J (ORAL)**

1. The present petition has been filed seeking following relief:

“(a) Issue a writ of certiorari or any other appropriate writ, order or direction to Respondent No. 1 to recalculate the Petitioner’s OMR evaluation for question No. 137 to 141 and awarding marks for the five uncounted but correctly marked responses and thereafter revise the result and rank of the Petitioner based on corrected marks consequently considering the Petitioner for



2025:DHC:8768



admission to Government Medical College in Himachal Pradesh in the ST Category merit list;

(b) Direct the Respondent No. 1 to keep “one seat reserved” for the Petitioner in a Government Medical College in his home State i.e., Himachal Pradesh, pending final adjudication and subject to the outcome of this Writ Petition.”

2. The grievance ventilated by the petitioner in the present petition is that the petitioner took NEET (UG) 2025 exam and secured 92.5368 percentile. It is stated that when the scanned images of OMR sheet and recorded responses for NEET (UG) 2025 was uploaded by the National Testing Agency (NTA)/respondent no.1 on its website, the petitioner checked the scanned image of OMR sheet and cross-checked the answers with the answer key provided.
3. Upon checking the same, the petitioner observed that the respondent no.1/NTA had not considered the responses of the petitioner with regard to the question nos. 137 to 141.
4. It is further the case of the petitioner that the answers of all the said five questions of the petitioner were correct and he had marked only one circle in response to each answer.
5. Ms. Sumitra Choudhary, learned counsel for the petitioner invites attention of the Court to the OMR Sheet (Annexure P-2) to contend that all the aforesaid 05 questions were duly attempted and the petitioner had marked the circle on correct option / answer as is clearly visible from the OMR sheet.
6. She submits that the computerized evaluation system failed to recognise the said responses due to technical reasons even though, the marking of circle is clearly visible with the naked eye.



2025:DHC:8768



7. She submits that the public notice was issued by the respondent no.1/NTA on 03.06.2025 whereby the candidates were given an opportunity to challenge the answer key and recorded responses, the petitioner availed the said opportunity and challenged the questions from 137 to 141 after depositing the requisite fee. However, no response was received by the petitioner from the respondent no.1/NTA with regard to the said challenge.

8. In this backdrop, the present petition came to be filed by the petitioner.

9. The respondent no.1/NTA has filed its counter-affidavit taking the stand that insofar as the question no.138 is concerned, the petitioner has been awarded marks for the same. However, with regard to other four (04) question nos. viz., Q. 137, 139 to 141, the petitioner has opted not to fill the circle fully, and has put only spot marks, due to which the OMR scanner could not read the option marks for the said four questions and the same were treated as 'unanswered' by the OMR scanner.

10. To buttress his contention, Mr. Sanjay Khanna, learned Standing Counsel for the respondent no.1/NTA has invited attention of the Court to question nos. 137, 139 to 141 in the OMR sheet. A perusal of the circles against such said questions numbers shows that the petitioner has only put spot marks and they have not been darkened fully. The relevant extract from the OMR sheet is as under:



2025:DHC:8768



ANNEXURE P-2

ANSWER SHEET

ORIGINAL COPY

38

ROLL No.
2404101182

TEST BOOKLET No.
116115678

Test Booklet Code
45
46
47
48

Answer Sheet No.
116115678

DECLARATION BY THE CANDIDATE
I declare that the answers and signature on this OMR Answer Sheet are mine and were given as an Intentional Mark. I further declare that no person has been allowed to see or copy the answers or the OMR Answer Sheet. I agree to accept the consequences if I am found guilty of any irregularity.

MOTHER'S NAME (in running handwriting)
Jhulan Bibi

FATHER'S NAME (in running handwriting)
Suthan Mohd.

CANDIDATE'S LEFT HAND THUMB IMPRESSION
[Impression]

SIGNATURE OF INVIGILATOR WITH TIME
[Signature] 3:04
[Signature] 05:00pm

CANDIDATE'S NAME (in running handwriting)
Abd Khan

Signature with time (in running handwriting)
[Signature] 1:55

Relevant questions (Q.Nos. 137, 139 to 141) have been encircled

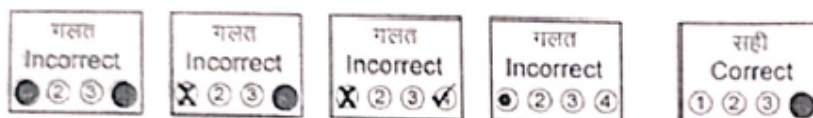


2025:DHC:8768



11. Further, attention of the Court has also been drawn to the instructions in respect of OMR sheet which are supplied to each candidate along with the test paper. Referring to the said instructions, Mr. Khanna submits that complete circle is to be darkened and only one circle for each question is to be marked in the manner given in the instructions
12. The said instructions clearly mention that the candidate should not make any stray marks on the answer sheet as such spot marks/stray marks may be read erroneously by the OMR Scanner.
13. The relevant paragraphs from the counter affidavit reads thus:

“8. It is submitted that all the candidates were fully informed about the process of filling of OMR Answer Sheet and it was clearly informed to the candidates with instruction at Point 4 on page 2 of each OMR Answer Sheet that “Darken ONLY ONE CIRCLE for each Questions as shown below:”



“It is pertinent to mention here that at serial no. 6, the instructions are further read as:

‘PLEASE DO NOT MAKE ANY STRAY MARK ON THE ANSWER SHEET. STRAY SPOT MARKS/ STRAY MARKS MAY BE READ ERRONEOUSLY BY THE OMR SCANNER.’

xxx

xxx

xxx

9. *It is submitted that the Petitioner, even after receiving the clear instructions, he opted not to DARKEN the circle completely and left only SPOT MARKS for Q. 137, 139, 140, and 141 due to which the machine could not read option marked for the said 04 questions and the same have been treated as “UNANSWERED” by the OMR scanner.*



Therefore, it is humbly submitted before this Hon'ble Court that since the Petitioner did not comply with the prior instructions from NTA about OMR Answer Sheet filing, he cannot be allowed to take advantage of his own wrong.

Furthermore, if the petitioner was confident of the correct answers, there was no reason not to darken the circles completely as instructed. The petitioner's conduct shows indecision and negligence at the time of exam, and he is now attempting to retrospectively claim marks after seeing the final answer key.

xxx

xxx

xxx

14. Therefore, in light of the facts and circumstances, the request of the Petitioner for recalculating the OMR for Q.No. 137 to 141 and awarding marks for the 5 uncounted but correctly marked responses and to revise the result and rank, consequently, cannot be acceded to. The Petitioner, despite clear instructions, left spot marks on the OMR Answer Sheet, which led to the answers being treated as UNANSWERED for 04 such questions. It is submitted that the petitioner's grievance arises solely from his own failure to darken the circles properly as per prescribed instructions. The evaluation process adopted by NTA is uniform, transparent, and uniformly applied to all candidates; hence, no arbitrariness or illegality can be attributed. Furthermore, any change in the Results of NEET (UG) 2025 would adversely affect the ranking of other candidates, and would ultimately disrupt the allotment process."

14. Having heard the learned counsel for the parties, it is to be noted that every candidate taking the exam i.e. NEET (UG) 2025 was specifically and clearly informed about the instructions in respect of the filling of the OMR Sheet, which reads thus:



2025:DHC:8768

**अनुदेश / INSTRUCTIONS**

1. इस उत्तर पत्र में दो प्रतियाँ हैं। मूल प्रति और इसके नीचे कार्यालय प्रति। सूचना/उत्तर भरते समय उन्हें अलग करने या हटाने की कोशिश न करें।

This answer sheet consists of two copies, the Original copy and the Office copy. Do not attempt to separate or displace them while recording information/answers.

2. केवल नीले/काले बाल पेन से सही गोले को गहरे निशान से भरिए।

Use Only Blue/Black Ball Point Pen to darken the appropriate circle.

3. कृपया पूरे गोले को गहरे निशान से भरिए।

Please darken the complete circle.

4. प्रत्येक प्रश्न का उत्तर केवल एक ही पूरे गोले में गहरा निशान लगाकर दीजिए जैसा नीचे दिखाया गया है।

Darken ONLY ONE CIRCLE for each Question as shown below :

गलत Incorrect ● ② ③ ●	गलत Incorrect X ② ③ ●	गलत Incorrect X ② ③ ✓	गलत Incorrect ● ② ③ ④	सही Correct ① ② ③ ●
-----------------------------	-----------------------------	-----------------------------	-----------------------------	---------------------------

5. एक बार गोले में निशान लगाने के पश्चात कोई परिवर्तन अनुमत्य नहीं है।

Answer once marked cannot be changed.

6. उत्तर पत्रिका पर अन्य कहीं कोई निशान न लगाइए। गलत निशान/कोई निशान ओ.एम.आर. स्कैनर के द्वारा पढ़ा जा सकता है।

Please do not make any stray marks on the Answer Sheet. Incorrect Marks/Stray marks may be read by the OMR scanner.

7. इस उत्तर पत्रिका पर कच्चा काम करना मना है।

Rough work must not be done on the Answer Sheet.

8. प्रत्येक प्रश्न का उत्तर, उत्तर-पत्रिका में दिए गए क्रमांक के सामने संगत गोले में निशान लगाकर दीजिए।

Mark your answer in the appropriate space in the Answer Sheet against the Number corresponding to the question.

9. उम्मीदवार को परीक्षा समाप्ति पर ओ.एम.आर. प्रतिक्रिया पत्र की मूल या कार्यालय प्रति अपने साथ ले जाने की अनुमति नहीं है।

The Candidate is NOT allowed to carry the Original or Office copy of OMR response sheet with him/her on conclusion of the examination.

15. The petitioner was thus, well aware that in case, he does not darken the circle, as instructed, it will not be scanned by the OMR scanner. As is evident from the OMR sheet, the petitioner had not darkened complete circle. Insofar as Q. 140 & 141 are concerned the petitioner has put only dots, and for Q. 137 & 139 complete circle has not been darkened. It is for the said reason, the OMR scanner failed to read the answer given by the petitioner and the he was not awarded marks for the same. Further, the manner in which circles of aforesaid questions have been darkened, gives an



impression that the petitioner was not sure about the correct answer.

16. The OMR sheets of all candidates were checked by the OMR scanners, without human interference, therefore, the same yardstick was applied in case of each candidate. Further, this Court finds that non-awarding of marks to the petitioner for the aforesaid four questions, is absolutely in accordance with the instructions given to the candidates in relation to the OMR sheet. No discrimination or arbitrariness in the process adopted for checking the OMR sheet has been pointed out, and this Court finds that there exists none.

17. Pertinently, the Information Bulletin of NEET (UG), 2025 provides that there is no provision for rechecking/revaluation of the answer sheet for the reason that the OMRs are machine gradable and are being evaluated through specific software impartial to all. The relevant clause reads thus:

“13.4 Re-checking/re-evaluation of answer sheets

- *The machine—gradable Answer Sheets are evaluated with extreme care and are repeatedly scrutinized.*
- *There is no provision for re-checking/re-evaluation of the answer sheets. This is because of the following reasons:*
 - i. The OMRs are machine gradable and are being evaluated through specific software impartial to all.*
 - ii. The candidates are given an opportunity to make the representation on the OMR gradation of their OMR sheets and also given an opportunity to challenge the answer key in case of any doubt.*
- *No correspondence in this regard will be entertained”*

18. The law is well settled that Prospectus / Bulletin of Information issued by Institution / University is binding and no *mandamus* can be issued to the educational institutions to act contrary to their own procedure. In this regard reference may had to be made to the decision of this Court in *Sadhana*



2025:DHC:8768



Yadav vs. Union of India & Ors., 2025 SCC OnLine Del 3965.

19. In view of the above discussion, the prayer of the petitioner for recalculation and OMR evaluation for aforesaid four questions cannot be granted.

20. Therefore, there is no merit in the present petition. Accordingly, the same is dismissed.

VIKAS MAHAJAN, J

SEPTEMBER 25, 2025/dss