



Serial No. 02
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 270 of 2024

Date of Decision: 14.08.2024

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1. Eleazer Vincent Lyngdoh
 2. Tofany Suchiang
 3. Alizza Meryly S. Laloo
 4. Joshaviah Onan Paswet
 5. Weibha Nongtdu Lakiang
 6. Amikha D. Manih
 7. Darishisha Syiem
 8. Banrilang Syiem
 9. Suffiliana Tariang
 10. Feemeerida Blah

:::Petitioners

-Vs-

1. National Testing Agency (NTA) through
Chairperson (Governing Body)
Office at: First Floor, NSIC-MDBP Building,
Okhla Industrial Estate, New Delhi-110020

2. Ministry of Education (Government of India)
through Secretary (Higher Education)



Office at: Room No. 128-C, Shastri Bhawan,
New Delhi-110001

3.Ministry of Health and Family Welfare
(Government of India) through Secretary (H&W)
Office at: Room No. 156-A, Nirman Bhawan,
Delhi-110011

4.State of Meghalaya through Commissioner and
Secretary, Department of Education, Department
of Education, Office at: Room No:222, Ground
Floor Additional Secretariat, Shillong-793001,
Meghalaya

:::Respondents

Coram:

Hon'ble Mr. Justice H. S. Thangkhiew, Judge

Appearance:

For the Petitioner/Appellant(s) :	Ms. Y. Pallavi, Adv. with Mr. E.R. Chyne, Adv.
For the Respondent(s) :	Mr. T. Mehta, SGI with Mr. R. Kumar, Sr. Adv. Dr. N. Mozika, DSGI Ms. P. Shrivastava, Adv. Ms. A. Pradhan, Adv.(For R 1-3) Mr. N.D. Chullai, AAG with Ms. R. Colney, GA(For R 4)

i)	Whether approved for reporting in Law journals etc.:	Yes/No
ii)	Whether approved for publication in press:	Yes/No



JUDGMENT AND ORDER (ORAL)

1. The petitioners who had appeared in the National Eligibility-cum-Entrance Test (UG) 2024 on 05.05.2024 at Jowai and Nongpoh exam centres, are before this Court with the complaint that they were denied the allocated time of 3 hours and 20 minutes to complete the paper, inasmuch as, a lot of time had been wasted due to supply of wrong question papers and contradictory instructions given to the students by the examiners. The petitioners and other similarly situated students, it appears were supplied 2 sets of question papers namely (i) QRST and (ii) MNOP, which contained entirely different set of questions, which resulted in the wasting of substantial time to correct the mistake. The corrective measures were that in some cases, where students were supplied the question paper from the MNOP set, the same was taken back and replaced with the question paper from the QRST set and vice-versa, while in other cases, some students who had been provided both the sets of MNOP and QRST at the beginning, had one question paper taken back. The contention of the petitioners is that due to the lack of clarity, as to which paper was to be answered, and due to the confusion, the petitioners were denied almost 40-45 minutes on an average of the allocated time period, for attempting the question paper. It has been submitted that though the petitioners made a representation in this regard



on 06.05.2024, to the respondent No. 1 (National Testing Agency/NTA), and the State Government demanding re-examination, in view of the anomalies, the request was not accepted, whereas, in cases of other similarly situated persons, a decision was taken to hold a re-test on 23.06.2024.

2. Ms. Y. Pallavi, learned counsel for the petitioners has submitted that the entire confusion was caused due to the unclear directives given by the respondent No. 1 to the Centre Superintendent at the two examination centres. With regard to the centre at Jowai, the learned counsel has referred to a letter dated 06.05.2024, from the City Co-ordinator to the Director Exam of the respondent No. 1, wherein it has been mentioned that it took 20 minutes and a bit more to correct the mistakes. Reference has also been made to the report of the Invigilators dated 07.05.2024, which has been annexed to the affidavit of the respondent No. 1, wherein, she submits that though more than 20 minutes had been taken to supply the correct question papers, an extra time of only 15 minutes was allowed to the students. From the affidavit itself she contends, the lapse on the part of the examiners has been shown to have been caused due to the fact that there was no proper guidance from the respondent No. 1, on both sets of question papers. Learned counsel has further referred to other letters of communication including an inquiry report conducted by the Additional District Magistrate,



West Jaintia Hills District, Jowai, which recommended re-examination in view of the confusion caused. With regard to the Nongpoh centre, the learned counsel has submitted that the Centre Superintendent himself, by letter dated 06.05.2024, forwarded the grievances of the petitioners to the respondent No. 1, on the mix up. It has also been submitted that though the petitioners had initially approached the Supreme Court by way of WP(C) No. 381 of 2024, the same was withdrawn with liberty to pursue the matter before the jurisdictional High Court, which was allowed and as such, the petitioners have preferred the instant writ petition.

3. Learned counsel then prays that as the time allowed was too short, apart from the confusion and trauma caused to the students, appropriate orders be passed, directing the respondent No. 1 to conduct a re-examination for the petitioners.

4. Mr. R. Kumar, learned Senior counsel appearing for the respondents No. 1-3, at the outset has submitted that the report of the Invigilators has clearly stated that the candidates were given extra time and that the bell was rung at 5:35 PM, and that no candidate left the hall before 5:35 PM. As such, he contends whatever time was lost in the distribution of the question papers, in both the centres at Jowai and Nongpoh, the same was made up by adjusting the time as per NTA guidelines. It is also submitted that the case of the petitioners is not on the same footing with 1563 candidates from



certain centres, or whom the respondent No. 1, had held re-examination, inasmuch as, in respect of those candidates, the grace marks awarded for shortage of time was scrapped, whereas, in the case of the petitioners additional time was allowed. He lastly submits that the writ petition being devoid of merit, deserves no consideration.

5. Upon hearing the learned counsel for the parties and on examination the materials on record, more specifically the affidavit of the respondent No. 1, it can be seen from the documents attached hereto, that there was indeed some confusion with regard to the distribution of 2 sets of question papers, as alleged by the petitioners, but also the fact that emerges is that, the time lost was readjusted. As submitted by the learned counsel for the petitioner, the City Co-ordinator of Jowai by letter dated 06.05.2024, had reported that it took 20 minutes and a bit more to rectify the situation, though the time was readjusted accordingly. A perusal of the report dated 07.05.2024, of the Invigilators at Para – 15 and 16, had noted as follows.

***“15. At 2:00 pm, the candidates started writing their answers, some candidates attempted on orange OMR sheet. Due to the confusion, the City Coordinator and Superintendents tried to contact NTA authority, regarding which set of booklet was to be distributed to the candidates.*”**



However, the network was jammed by NTA security agents from 1:00pm till the end of the exam as per protocol.

16. At 2:15pm. Some of the invigilators realised that on the attendance sheet, the column to fill in the serial number and code number of the test booklet and OMR sheet was meant for only one test booklet and only one OMR sheet. Then it was realised that the candidates had to attempt only one set of test booklet. Immediately, the information was conveyed to the City Coordinator and all invigilators by the Observer and Superintendents. The invigilators then collected back the booklets the details of which had not been filled in the attendance sheet. In the entire process, some candidates had filled in, the details of the yellow booklet and majority of the candidates have filled in details of the pink booklet.”

6. The report in the subsequent paragraphs further goes on to record that no candidates left the exam hall before 5:35 PM, and that they were given extra time. The NEET examination report for the Jowai centre dated 17.05.2024, has also recorded the said lapse, which was attributed to the unawareness about the 2 sets of question papers from 2 different custodian banks, which were collected and both sets opened and distributed. The report however, records that nothing was done on purpose, and that the loss of 20-25 minutes was adjusted. With regard to the examination report for Nongpoh centre, similar lapse had occurred, inasmuch as, the booklet



received from one bank was distributed first, and then followed by the second set received from the second bank, and the said report also records that corrective action was taken, and extra time was given to the candidates to complete the exam as there was misdistribution.

7. From the facts as discussed above, the fact that certain lapses had occurred is undeniable, and especially in an examination atmosphere, the tension and anxiety caused to the candidates, who had sat for the test can well be imagined. The NEET (UG) exams 2024, has received considerable national attention, as the validity of the test was questioned, and the matter was taken up by the Supreme Court and disposed of by the judgment dated 23.07.2024. The petitioners who had also joined cause, withdrew their writ petition, but however, have now sought to be given the benefit allowed to 1563 students, for re-test on the ground that they are similarly situated. In this context, it has to be noted that the NTA/respondent No. 1, had allotted grace marks to the 1563 candidates, at certain centres who did not have the opportunity to utilize the entire duration of the exam, that is, 3 hours 20 minutes, which was interfered with by the Supreme Court, by directing a re-test for the said candidates.

8. In the instant case, however, the lapse was detected and by the estimate of the Invigilators, and as per the NTA guidelines, additional time of 15 minutes had been allowed, and therefore, the exam instead of



concluding at 5:20 PM, was allowed to continue till 5:35 PM. Further, a fact that cannot be ignored is that, all the candidates did not leave before 5:35 PM. From the sequence of events therefore, notwithstanding the lapse, in the distribution of the question papers, extra time having been allowed in both the centres and though the same alleged to be insufficient, in the considered view of this Court, though there may be a marginal difference, between the time lost and compensated, in the absence of any other materials to show that the time lost was more significant, no case has been made out for any interference by this Court.

9. In the result therefore, and in view of the discussions made herein above, the writ petition not disclosing the violation of the petitioners' rights in any manner, is not entertained and is accordingly dismissed.

Judge