Reserved on : 28.10.2026
Pronounced on : 19.11.2026

IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 19TH DAY OF NOVEMBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

AND

THE HON'BLE MRS JUSTICE HEMA KULKARNI

WRIT PETITION NO.107041 OF 2026 (EDN-EX)

BETWEEN:

MS. ANUSHKA BASAVARAJ MAIDUR,
D/O. BASAVARAJ H. MAIDUR,
AGED ABOUT 20 YEARS,
RESIDING AT D.NO. 216,
KHB COLONY, MEDLERI ROAD,
RANIBENNUR, HAVERI DISTRICT,
KARNATAKA – 581 115.

...PETITIONER

(BY SRI. SHIVANAND MALASHETTI &
SRI. GIRISH KUMAR R., ADVOCATES)

AND:

Digitally signed by RAKESH S HARIHAR
Location: High Court of Karnataka, Dharwad Bench

1. NATIONAL TESTING AGENCY (NTA),
FIRST FLOOR, NSIC MDBP BUILDING,
OKHLA INDUSTRIAL ESTATE,
NEW DELHI – 110 020,
REPRESENTED BY ITS DIRECTOR GENERAL.

2. NATIONAL MEDICAL COMMISSION (NMC),
POCKET 14, SECTOR 8, DWARKA,
PHASE - 1, NEW DELHI – 110 077,
REPRESENTED BY ITS SECRETARY.

3. MEDICAL COUNSELLING COMMITTEE (MCC),
DIRECTORATE GENERAL OF HEALTH SERVICES,
NIRMAN BHAWAN, NEW DELHI – 110 108,
REPRESENTED BY ITS DIRECTOR.

4. STATE OF KARNATAKA,
DEPARTMENT OF MEDICAL EDUCATION,
M.S. BUILDING, DR. AMBEDKAR VEEDHI,
BENGALURU – 560 001,
REPRESENTED BY ITS PRINCIPAL SECRETARY.

5. KARNATAKA EXAMINATIONS AUTHORITY (KEA),
18TH CROSS, SAMPIGE ROAD,
MALLESHWARAM, BENGALURU – 560 012,
REPRESENTED BY ITS EXECUTIVE DIRECTOR.

…RESPONDENTS

(BY SRI. ARAVIND KAMAT, ASGI FOR
SRI. MRUTYUNJAYA HALLIKERI, ADVOCATE FOR R1 & R3;
SRI. ANOOP DESHPANDE, ADVOCATE FOR R2;
SMT. GIRIJA S. HIREMATH, HCGP FOR R4;
SMT. SURABHI KULKARNI, ADVOCATE FOR R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO CALL FOR THE ENTIRE RECORDS PERTAINING TO THE UFM PROCEEDINGS INITIATED AGAINST THE PETITIONER UNDER FILE NO.19/NTA/NEET (UG)/2026, INCLUDING THE CENTRE REPORT, AUDIT MATERIAL, COMMITTEE PROCEEDINGS, RECOMMENDATION AND FINAL DECISION, IF ANY. TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER, OR DIRECTION QUASHING THE SHOW CAUSE NOTICE DATED 17.06.2026 VIDE ANNEXURE A1. TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION QUASHING THE ACTION OF RESPONDENT NOS. 2 AND 3 REFLECTED IN THE NEET (UG) 2026 SCORE CARD DATED 16/07/2026, VIDE ANNEXURE-A, INSOFAR AS THE PETITIONER'S RESULT IS MARKED RESULT WITHHELD/R/W, AND QUASH ANY CONSEQUENTIAL ORDER OR DECISION WITHHOLDING THE PETITIONER'S RESULT. TO ISSUE A WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT, ORDER, OR DIRECTION COMMANDING RESPONDENT NO. 1 (NTA) TO IMMEDIATELY AND UNCONDITIONALLY RELEASE THE WITHHELD RESULT AND THE ORIGINAL SCORECARD OF THE PETITIONER FOR THE NEET (UG) 2026 RE-EXAMINATION (ROLL NO. 2720104005). TO ISSUE A WRIT OF MANDAMUS DIRECTING RESPONDENTS 2, 3, 4, AND 5 TO PERMIT THE PETITIONER TO REGISTER FOR AND PARTICIPATE IN THE ONGOING UNDERGRADUATE MEDICAL COUNSELING FOR THE ACADEMIC YEAR 2026-27 BASED ON HER LAWFULLY SECURED SCORE OF 570 MARKS AND ETC.

THIS WRIT PETITION HAVING BEEN HEARD AND RESERVED ON 28.10.2026, COMING ON FOR PRONOUNCEMENT THIS DAY ***M.NAGAPRASANNA J.,*** MADE THE FOLLOWING:-

CORAM: HON'BLE MR. JUSTICE M.NAGAPRASANNA
AND
HON'BLE MRS JUSTICE HEMA KULKARNI

CAV ORDER
(PER: **HON'BLE MR. JUSTICE M.NAGAPRASANNA**)

The petitioner, a participant in the NEET (UG) examination for the academic year 2026, is before this Court seeking the following prayer:

a) Call for the entire records pertaining to the UFM proceedings initiated against the Petitioner under File No.19/NTA/NEET (UG)/2026, including the centre report, audit material, committee proceedings, recommendation and final decision, if any.

b) ISSUE a writ of Certiorari or any other appropriate writ, order, or direction quashing the Show Cause Notice dated 17.06.2026 Vide **Annexure A1**.

c) Issue a writ of certiorari or any other appropriate writ, order or direction quashing the action of respondent Nos.2 and 3 reflected in the NEET (UG) 2026 Score Card dated 16/07/2026, vide **Annexure**-**A**, insofar as the Petitioner's result is marked 'RESULT WITHHELD/R/W', and quash any consequential order or decision withholding the petitioner's result.

d) ISSUE a writ of Mandamus or any other appropriate writ, order, or direction commanding Respondent No. 1 (NTA) to immediately and unconditionally release the withheld result and the original scorecard of the petitioner for the NEET (UG) 2026 Re-examination (Roll No.2720104005).

e) ISSUE a Writ of Mandamus directing respondents 2, 3, 4, and 5 to permit the petitioner to register for and participate in the ongoing undergraduate medical counseling for the academic year 2026-27 based on her lawfully secured score of 570 marks.

f) PASS any such other and further orders as this Hon'ble Court deems fit and proper in the facts and circumstances of the case, in the absolute interest of justice, equity, and good conscience.

2. Heard Sri Shivanand Malashetti and Sri Girish Kumar R., learned counsel for the petitioner, Sri Arvind Kamath, learned Additional Solicitor General of India for Sri Mrutyunjaya Hallikeri, learned counsel for respondent Nos.1 and 3, Sri Anoop Deshpande, learned counsel for respondent No.2, Smt. Girija S. Hiremath, learned High Court Government Pleader for respondent No.4 and Smt. Surabhi Kulkarni, learned counsel for respondent No.5.

3. Shorn of details, facts germane, are as follows:

The genesis of the *lis,* lies in the events surrounding the conduct, cancellation and subsequent re-conduct of the National Eligibility-cum-Entrance Test (Undergraduate) – NEET (UG), 2026. The petitioner, an aspiring medical student, initially appears for NEET (UG), 2026, conducted on 03.05.2026, (hereinafter referred to as 'the scrapped examination' for the sake of brevity). The said examination, however, becomes a casualty of a widespread

leakage of question papers, resulting in its cancellation in its entirety. The examination thus stood obliterated, necessitating a fresh examination to restore the sanctity of the selection process.

3.1. Consequent upon such cancellation, a public notification comes to be issued on 15.05.2026, announcing the conduct of a re-examination on 21.06.2026. The petitioner, like every other eligible aspirant, is issued a fresh admit card bearing a different roll number, entitling her to participate in the re-examination. Curiously, after about three days of issuance of the fresh admit card, a show cause notice comes to be issued to the petitioner on 17.06.2026, alleging that the petitioner had carried a mobile phone into the examination premises during the examination conducted on 03.05.2026, an examination which, by then, had already been scrapped / shelved.

3.2. The petitioner, armed with a valid admit card and possessing the requisite eligibility, appears for the re-examination conducted on 21.06.2026. Thereafter, on 25.06.2026, an Unfair Means Committee, constituted to examine the alleged irregularities and illegalities that had marred the

scrapped examination, is convened. Upon conclusion of the proceedings before the Committee, the results of the re-examination come to be declared on 16.07.2026. While the results of other candidates see the light of day, the result of the petitioner alone is withheld ostensibly on the strength of the allegation pertaining to the earlier, cancelled examination.

3.3. The petitioner addresses repeated representations to the authorities seeking declaration of her result. Those representations, however, fall on deaf ears. Neither is the result released nor is the petitioner afforded the relief sought. It is in these circumstances that the petitioner knocks at the doors of this Court, calling in question the adverse remarks reflected in the scorecard of the re-examination, the show cause notice issued against her and seeking such other consequential reliefs as would secure her entitlement in law.

4. This Court, noticing the peculiar circumstances obtaining in the case at hand and the fact that the counselling process was already underway, by an interim order dated 08.09.2026, permits the petitioner to participate in the ongoing counselling process. The said indulgence, however, is hedged with the

express condition that the petitioner shall not claim any equity on the strength of such participation, in the event the petition were to be dismissed. The case is thus heard.

SUBMISSIONS:

PETITIONER:

5. Sri Shivanand Malashetti and Sri Girish Kumar, learned counsel appearing for the petitioner would vehemently contend that the petitioner is a student whose merit has now spoken for itself. In the re-examination conducted on 21.06.2026, the petitioner has secured high marks, earned a seat purely on merit at the Belagavi Institute of Medical Sciences and has been pursuing her medical education for the past one month. He would submit that an allegation of resorting to unfair means in an examination which has been completely scrapped cannot be permitted to cast its shadow upon an entirely fresh examination, much less eclipse the merit demonstrated by the petitioner therein.

5.1. He would contend that the very concept of *unfair means* must be understood in the context of the unfair advantage that a candidate seeks to secure over others in a

competitive examination. An unfair means allegation, according to him, must bear a rational nexus to the examination in which an unfair advantage is alleged to have been obtained. Where the examination itself has been cancelled in its entirety, the question of the petitioner deriving any advantage in marks or stealing a march over other candidates in that examination would pale into insignificance. An examination which has been effaced from the reckoning cannot, according to the learned counsel, be resurrected solely for the purpose of visiting the petitioner with a penalty that would destroy her prospects in a subsequent and independent examination.

5.2. He would further submit that even the least of the penalties contemplated under the Information Bulletin cannot be imposed mechanically, without a determination of culpability in accordance with law. The withholding of the petitioner's result, he would contend, is itself a unilateral and *ex parte* exercise, undertaken without a reasoned determination of the allegation or its consequences. The authorities, according to him, have chosen to impose a penalty first and determine its justification later, thereby turning the elementary principles of fairness on their head. The consequence is that merit, which ought to be the

governing consideration in admission to professional education, is made to yield to an allegation emanating from an examination that no longer survives. He would therefore, seek interference at the hands of this Court.

RESPONDENTS - The LEARNED ADDITIONAL SOLICITOR GENERAL OF INDIA:

6. *Per contra*, Sri Arvind Kamath, learned Additional Solicitor General of India appearing for respondent Nos.1 and 3 – National Testing Agency, would stoutly defend the impugned action. Drawing the attention of this Court to the Information Bulletin governing NEET (UG), 2026, particularly the provisions defining *unfair means*, he would submit that the prohibition against carrying a mobile phone into the examination premises is categorical and admits of no exception. The very act of carrying a prohibited electronic device, according to him, constitutes an unfair means practice, irrespective of whether the candidate is ultimately shown to have derived any actual advantage therefrom. The prohibition, he would contend, is intended to preserve the purity, integrity and credibility of an examination in

which lakhs of aspiring students compete for a limited number of medical seats.

6.1. The learned Additional Solicitor General of India would further contend that the consequences prescribed for resorting to unfair means cannot be diluted merely because the petitioner has subsequently performed well in the re-examination. The least of the penalties contemplated under the governing framework, according to him, is withholding of the result, and the petitioner cannot seek immunity from the consequences of her conduct by placing reliance upon her subsequent academic performance. Merit, however commendable, cannot become a shield against the operation of the rules governing examination discipline.

6.2. The learned Additional Solicitor General of India would also place considerable emphasis upon the interim order passed by this Court on 08.09.2026. He would submit that the permission granted to the petitioner to participate in the counselling process was expressly made subject to the condition that no equities would be claimed in the event the petition were to fail. The petitioner, having accepted the benefit of the interim

order subject to such a condition, cannot now seek to convert her admission into an indefeasible right merely because the petitioner has secured a merit seat and commenced attending classes. An interim indulgence, he would submit, cannot be permitted to mature into a substantive entitlement contrary to the governing regulations.

6.3. To fortify these submissions, the learned Additional Solicitor General would place reliance upon the celebrated judgment of the Apex Court in **Tata Cellular v. Union of India** reported in **(1994) 6 SCC 651**, wherein the Apex Court has delineated the contours of judicial review of administrative action and reiterated that the Court, in exercise of such jurisdiction, is ordinarily concerned with the legality of the decision-making process rather than substituting its own decision for that of the competent authority. He would particularly emphasize the principles of *Wednesbury* reasonableness, contending that unless the action of the authority is demonstrated to be vitiated by illegality, irrationality or procedural impropriety, judicial interference would be unwarranted.

6.4. The learned Additional Solicitor General of India would thus submit that the action of the National Testing Agency is neither arbitrary nor capricious, but is founded upon the express stipulations of the Information Bulletin, which bind every candidate participating in the examination. The petitioner, having allegedly breached those stipulations, cannot seek a dispensation founded upon sympathy or subsequent merit. On these premises, the learned Additional Solicitor General of India would seek dismissal of the petition.

7. We have given our anxious consideration to the submissions made by the respective learned counsel for the parties and have perused the material on record.

CONSIDERATION:

UNFOLDING OF EVENTS:

8. The afore-narrated facts are not in the realm of controversy. They are borne out by the record and speak for themselves. The genesis of the present controversy lies in the examination conducted on 03.05.2026, which subsequently stood scrapped in its entirety. The petitioner is alleged to have carried a mobile phone into the examination premises, an act

which, according to respondent No.1 – National Testing Agency, runs contrary to the instructions governing NEET (UG), 2026.

9. The examination conducted on 03.05.2026 became embroiled in widespread allegations of leakage of question papers and other malpractices, compelling the authorities themselves to cancel the examination in its entirety. A press release dated 12.05.2026 came to be issued announcing such cancellation. Thus, the examination ceased to have any efficacy for the purpose of determining merit, rank or entitlement to admission. The press release dated 12.05.2026 reads as follows:

ANNEXURE-C

NATIONAL TESTING AGENCY

PRESS RELEASE

Subject: NEET (UG) 2026 — Decision on the Examination of 3 May 2026

Date: 12 May 2026

In continuation of its press release dated 10 May 2026, the National Testing Agency wishes to inform candidates, parents, and members of the public of the following decisions taken in respect of NEET (UG) 2026. NTA had, on 8 May 2026, referred the matters then under consideration to the central agencies for independent verification and necessary action, consistent with its standing commitment to the fair, secure, ational examinations entrusted to it.

1. On the basis of the inputs subsequently examined by NTA in coordination with the central agencies, and the investigative findings shared by the law enforcement agencies and in order to ensure that there is transparency in the system, **the National Testing Agency, with the approval of the Government of India, has decided to cancel the NEET (UG) 2026 examination conducted on 3 May 2026, and to re-conduct the examination on dates that will be notified separately.**

The inputs received by NTA, taken together with the findings shared by the law enforcement agencies, established that the present examination process could not be allowed to stand. The re-conducted examination dates, along with the re-issued admit-card schedule, will be communicated through the official channels of the Agency in the coming days.

2. **The Government of India has further decided to refer the matter to the Central Bureau of Investigation for a comprehensive inquiry intc the allegations therein.** NTA will extend full cooperation to the Bureau and will provide all materials, records, and assistance the inquiry requires.

3. This decision has been taken in the interest of students and in recognition of the trust on which the national examination system rests. The Agency is conscious that re-conduct will cause real and significant inconvenience to candidates and their families. NTA does not take that consequence lightly. The decision has been taken because the alternative would have caused greater and more lasting damage to that trust.

4. The registration data, candidature, and examination centres opted for in the May 2026 cycle will be carried forward to the re-conducted examination. No fresh registration will be required, and no additional examination fee will be levied. In addition, fees already paid, will be refunded to the students and the exam will be re-conducted using NTA's internal resources.

5. Further communications, including the re-conducted examination dates and the re-issued admit-card schedule, will be issued through the official channels of the Agency. Candidates and parents are requested to rely only on these official channels and to disregard unverified reports circulating on social media.

Helpline: neet-ug@nta.ac.in | 011-40759000 / 011-69227700

9.1. The cancellation of the examination was followed by a public notification dated 15.05.2026, announcing the conduct of a fresh examination on 21.06.2026. The notification was intended to afford all eligible aspirants a fresh opportunity to demonstrate their merit in an examination untainted by the irregularities that had consumed in the earlier examination. The public notification reads as follows:

PUBLIC NOTICE

15 May 2026

Subject: Conduct of Re-examination for National Eligibility-cum-Entrance Test [NEET (UG)] 2026 – Reg.

In continuation of the NTA Press Release dated 12 May 2026, the National Testing Agency (NTA) will now conduct the re-examination of NEET (UG)– 2026 for admission to the undergraduate medical courses in all medical institutions in India on **21 June 2026 (Sunday). The duration of the examination will be from 02:00 PM to 05:15 PM (IST)** including time for examination formalities.

This examination will be conducted in various cities across the country and abroad in **Pen & Paper Mode (Offline)** in **13 languages** i.e. **Assamese, Bengali, English, Gujarati, Hindi, Kannada, Malayalam, Marathi, Odia, Punjabi, Tamil, Telugu, and Urdu**.

Those candidates who need to change their preferred city of examination on account of change in their present address may do so by visiting NTA Official Website https://neet.nta.nic.in from 15th May to 21st May 2026. The window for updation of present address and choice of city shall be available till 21st May 2026 (Upto 23:50 hrs) only. For students who do not opt for this facility, their existing choice of city will be retained. No requests for any change will be entertained thereafter.

The schedule of examination will be as under:

Activities	Details
Updation of Present Address and Choice of Cities in the Online Application Window, available in the NTA official website https://neet.nta.nic.in.	Candidates may update their Present Address and Choice of 1st and 2nd examination cities as per their preference from 15th May to 21st May 2026 (upto 23:50 hrs)
Fee Payable by Candidate	No fee will be charged from the candidate
Correction in Particulars	No correction of particulars will be allowed except present address and choice of city as mentioned above.
Announcement of City Intimation	Will be intimated later on the official website
Downloading of Admit Cards from the NTA website	Will be intimated later on the official website
Date of Examination	21 June 2026 (Sunday)
Timing of Examination	02:00 PM to 05:15 PM (IST) including time for examination formalities

Centre of NEET (UG) - 2026 Examination	As indicated on the Admit Card
Display of Recorded Responses and Answer Keys	Will be intimated later on the official website
Website(s)	https://nta.ac.in/, https://neet.nta.nic.in/
Declaration of Result on the NTA website	Will be intimated later on the official website

The guidelines and instructions for appearing in NEET (UG) 2026 will be same as per Information Bulletin available on the website: https://neet.nta.nic.in/.

For further clarification related to **NEET (UG) – 2026**, the candidates can also contact helpdesk in person or at 011-40759000/011-69227700 or email at neetug2026@nta.ac.in.

Both the afore-quoted communications emanate from respondent No.1 – National Testing Agency. The consequence is unmistakable. The examination conducted on 03.05.2026 stood cancelled and a fresh examination was notified for 21.06.2026. In furtherance of the notification, the petitioner was issued a fresh admit card, bearing a different roll number, permitting her to participate in the re-examination.

10. It is at this juncture that the sequence of events assumes significance. After issuing the fresh admit card, the National Testing Agency chose to issue a show cause notice dated 17.06.2026, alleging that the petitioner had carried a mobile phone into the premises during the examination conducted on 03.05.2026. The allegation thus, had its roots in an examination which, by then, had already been cancelled. The show cause notice was issued barely four days before the re-examination, at a time when the petitioner, like every other aspirant, was expected to devote her undivided attention to

prepare for an examination that could determine the course of her academic future.

11. The juxtaposition of these events is striking. On the one hand, the National Testing Agency issued a fresh admit card recognising the petitioner's eligibility to participate in the re-examination; on the other, it initiated proceedings founded upon an alleged infraction committed in the scrapped examination by the said show cause notice. The show cause notice dated 17.06.2026, reads as follows:

Subject: Show Cause Notice for Using Unfair Means During Conduct of NEET (UG) May 2026

1. During the post-examination audit, it was observed that you were in possession of a mobile phone which you carried within the examination premises during the NEET (UG) 2026 examination held on 03 May 2026 at the designated center. This constitutes a clear violation of the prescribed examination rules and regulations. That in the information bulletin NEET (UG) 2026 issued by NTA, as per Chapter 14, "***Unfair Means Practices and Breach of Examination Rules***", the Unfair Means is defined as an activity that allows a candidate to gain an unfair advantage over other candidates. It includes, but is not limited to the details given as per Chapter 14 Unfair means practices and breach of examination rules. That as per para 1 (a) & (k) of Chapter 14, being in possession of any item or article which has been prohibited or can be used for unfair practices including any stationery item, communication device, accessories, eatables, ornaments, or any other material or information relevant or not relevant to the examination in the paper concerned, Using or attempting to use any other undesirable method or means in connection with the Examination.

2. Considering the above fact, the case was presented before a UFM committee. Based on the above CBI investigation, the committee is of the opinion that you have violated the examination rules.

3. In order to safeguard your academic interests and prevent any undue impact on your career, you are hereby afforded an opportunity to submit a written explanation addressing the above points and also explain reasons as to why disciplinary and / or legal action for the above violation should not be initiated against you in accordance with Chapter 14, "***Unfair Means Practices and Breach of Examination Rules***" and its sub para 1 to 3 of the Information Bulletin, NEET (UG) 2026.

4. Your reply should reach this office via return email not later than **19 June 2026.** Should you request for personal hearing (Preferably through online mode), the same should be informed through the returned email for scheduling suitable date & time. Please take note that failing to address the concerns raised hereinabove will be assumed that you have no defence to the allegations and the NTA will proceed to initiate appropriate disciplinary and legal action under the above relevant provisions.

5. The above proposed action is without prejudice to any other action which the NTA may take under the provisions of the Public examination (Prevention of Unfair Means) Act, 2026.

Yours faithfully,

Director (Exam)
National Testing Agency

To,

Ms Anushka Basavaraj Maidur
(NEET UG 2026)

11.1. Armed with the fresh admit card, the petitioner appeared for the re-examination conducted on 21.06.2026. There is no allegation placed on record of the petitioner having resorted to any unfair means in the said re-examination. Her participation was pursuant to the admit card issued by the National Testing Agency itself. The admit card reads as follows:



Ministry of Education
Government of India

National Eligibility Cum Entrance Test (UG) - 2026
Admit Card-Provisional

राष्ट्रीय परीक्षा एजेंसी
National Testing Agency
राष्ट्रीय आयुर्विज्ञान आयोग
National Medical Commission

ANNEXURE- F

Roll Number	2720104005	Application Number	260410446933
Candidate's Name:	ANUSHKA BASAVARAJ MAIDUR	Father's/Mother's Name:	BASAVARAJ H MAIDUR
Gender:	Female	Date of Birth:	21-04-2006
Category:	General	State of Eligibility:	KARNATAKA
Person with Disability: (PwD/PwBD)	No	Scribe:	–
		Eligibility for Compensatory Time	–
Mode of Authentication during Registration Process	Type Aadhaar Number xxxxxxxx5878	Type of Disability:	–

Photograph

2720104005

Test Details

Medium of Question Paper	English
Date of Examination	21.06.2026
Reporting/Entry Time at Centre	11.00 A.M.(IST)
Entry Gate Closing Time at Centre	01.30 P.M.(IST) Sharp
Timing of Examination	02.00 P.M. to 05.15 P.M.(IST)
Test Centre Number and Name	2720104 - GOVERNMENT GIRLS P U COLLEGE HAVERI
Test Centre Address (Venue of Test)	SADASHIVA NAGAR D C OFFICE ROAD HAVERI-581110
Date of Issue	14.06.2026

DIRECTOR (NTA)

11.2. On the very day of the re-examination, respondent No.1 addressed an electronic mail (e-mail) to the petitioner, intimating that the Unfair Means Committee, which had earlier been scheduled to convene on 20.06.2026, would instead convene on 25.06.2026. The reason assigned for such

adjournment was the re-examination scheduled for 21.06.2026. The time for submission of the petitioner's reply was extended up to 03:00 p.m., on 24.06.2026. What is of further significance is that, the very same communication directed the petitioner to treat paragraph 2 of the show cause notice dated 17.06.2026 as blank, the said paragraph having been incorporated, according to the Agency, on account of a typographical error. Thus, even the show cause notice, which was to become the foundation of the proceedings against the petitioner, required correction by the issuing authority itself. The e-mail communication reads as follows:

> "Please refer to the trailing email. It is submitted that Paragraph 2 of the Show Cause Notice issued vide this office Letter No. 19/NTA/NEET (UG) 2026 dated 17 June 2026 may kindly be treated as "Blank", as the same was inadvertently included in the notice due to a typographical error.
>
> **This is to inform you that the meeting of the UFM Committee for the NEET UG Examination which was scheduled on 20 June 2026 at 04:00 P.M, to examine your case, was adjourned in view of the NEET UG re-examination scheduled on 21 June 2026. Accordingly, the meeting has been rescheduled to 25 June 2026.**
>
> **Therefore, you are hereby informed that the deadline for submission of your reply to the Show Cause Notice sued to you vide our email dated 17 June 2026 has been extended up to 24 June 2026 at 03:00 P.M.**
>
> **You are requested to ensure that your reply to the aforesaid Show Cause Notice reaches this office through your registered email address not later than 24 June 2026 at 03:00 P.M.**

Thanks & Regards,

Office of Director Exam
National Testing Agency"

(Emphasis added)

The afore-quoted communication is of some consequence. It demonstrates that the proceedings initiated against the petitioner were not free from procedural irregularity even at their inception. An allegation contained in the show cause notice had to be withdrawn as an inadvertent inclusion. The Committee's proceedings were rescheduled owing to the conduct of the re-examination. The petitioner was consequently required to respond to an allegation arising from the cancelled examination almost contemporaneously with her participation in the fresh examination.

12. The Unfair Means Committee thereafter convened on 25.06.2026 and proceeded to take an *ex parte* decision to withhold the petitioner's result in the re-examination. The decision, therefore, visited the petitioner with an immediate adverse consequence, not in relation to the examination in which the alleged infraction had occurred, but in relation to the subsequent examination in which the petitioner had participated pursuant to a fresh admit card.

13. Upon declaration of the results on 16.07.2026, the petitioner's scorecard carried the remark *"RESULT WITHHELD (R/W)"*. The petitioner, confronted with the prospect of losing an academic year notwithstanding her participation in the re-examination, submitted a representation on 17.07.2026 seeking release of her result. That representation was followed by several others, all imploring the authorities to reconsider the decision.

14. In the representation dated 17.07.2026, the petitioner specifically complained of the overlapping timelines of the show cause proceedings and the re-examination, the alleged absence of any unfair advantage, the error in the show cause notice subsequently acknowledged by the Agency itself, and the disproportionate consequences of withholding the result of an examination in which no malpractice was alleged. The representation reads as follows:

> "Respected Sir,
>
> My name is Anushka Basavaraj Maidur. I am writing to you in deep distress regarding my NEET UG 2026 results declared on 16.07.2026. My official scorecard has been generated with the remarks "RESULT WITHHELD (R/W).
>
> I have already filed urgent grievances on the CPGRAMS portal (Registration Nos:DSEHE/E/2026/0013215) My portal and results have been blocked due to an ex-parte Unfair

Means (UFM) decision dated June 25th, which I was unable to defend against due to severe administrative overlaps.

I humbly request your immediate personal intervention to review my case based on the following critical facts:

Violations of Natural Justice (Overlapping Timeline): The Show Cause Notice was issued on June 17, with a June 24 deadline and a June 25 hearing. This crucial window directly overlapped with my intense preparation and total study lockdown for the sudden, nationwide Re-Exam held on June 21. Passing a career-ending ex-parte decision without ensuring the student was practically able to represent themselves is highly unfair.

The May 3rd Exam Was Cancelled. The alleged infraction occurred during the May 3rd examination, which the Ministry of Education has officially cancelled and declared legally void nationwide. Punishing my honest, clean, and highly secure June 21st re-exam performance for an alleged event in a cancelled exam is entirely disproportionate.

Errors in NTA's Notice: The initial Show Cause Notice issued to me falsely accused me of being involved in a "CBI Investigation." NTA subsequently had to retract this via email, admitting it was a "typographical error" and instructing me to treat that paragraph as blank.
Sir, with medical counseling registrations rapidly approaching, keeping my clean June 21st re-exam performance withheld will cause irreparable damage to my future and cost me an academic year.

I beg you to kindly review my CPGRAMS file, condone the delay in my response caused by the overlapping exam dates, and provisionally release my June 21st scorecard. I have attached my withheld scorecard, my June 21st admit card, and the relevant NTA email correspondences for your urgent reference.
Thank you for your time, justice, and compassionate consideration.

Yours faithfully,
Anushka Basavaraj Maidur

Application No: 260410446933
Re-Exam Roll No: 2720104005"

(Emphasis added)

The anguish expressed in the representation is not difficult to comprehend. For an aspiring medical student, the declaration of an examination result is not a mere administrative formality. It is the culmination of years of preparation and the gateway to a professional career.

15. The petitioner thereafter, submitted a detailed reply on 19.07.2026, seeking condonation of the delay in reply to the show cause notice. It reads as follows:

"Roll No: 2720104005.
Application number :260410446933
Respected Chairperson and Members of the NTA Unfair Means Committee,

I am writing to formally submit my explanation regarding the Unfair Means (UFM) case registered against me during the NEET-UG examination held on May 3, 2026. I most humbly request the Committee to condone the delay in my submission and evaluate the true facts of the case outlined below on merit, in order to protect my academic future.

1. Justification for the Delayed Submission
The formal Show-Cause Notice was issued via email on June 17, 2026, setting a reply deadline of June 24, 2026. At that exact time, I was undergoing immense mental stress and anxiety preparing for the sudden, official NTA Re-Examination scheduled for June 21, 2026. Because my entire focus was single-mindedly dedicated to preparing for this high-stakes re-test, I inadvertently failed to check my digital

correspondence during that week. I request the Committee to take a compassionate view of this delay, given that I was actively preparing for an exam conducted by your agency.

2. Actual Facts Concerning the Mobile Phone
Regarding the incident on May 3, 2026, I wish to place the absolute truth before the Committee:

- **Inadvertent Oversight: The mobile phone was left in my pocket purely due to extreme panic, rush, and severe examination anxiety during entry. I completely forgot to turn it off or deposit it outside the hall.**
- **Absolute Non-Usage: The device remained completely untouched inside my pocket during the test. I did not access any digital materials, websites, or communication networks, nor did I intend to.**
- **Immediate Return of Device: Upon detection, the center authorities checked the device, verified that no active cheating or digital malpractice had taken place, and did not find any Incriminating activity. Consequently, they safely returned the mobile phone to me immediately after the examination hours without any physical seizure or police complaint.**

3. Crucial Context: Third Consecutive NEET Attempt
I most humbly request the Committee to note that this is my third consecutive year attempting the NEET-UG examination. I have dedicated multiple years of gruelling hard work, emotional energy, and financial resources toward fulfilling my dream of a medical career [skills: load]. Knowing the severe consequences of malpractice, I would never consciously or intentionally jeopardize my three years of hard work by trying to use a mobile phone in a strictly monitored hall. This incident was a tragic, accidental byproduct of severe exam pressure.

4. Critical Time Constraint: Karnataka NEET Counselling
I wish to bring an matter of extreme urgency to the attention of the Committee. The Karnataka Examination Authority (KEA) is scheduled to commence the Karnataka State NEET Counselling registration this upcoming Friday.
Without the declaration of my score, I am entirely barred from registering for the state counselling process. Missing this registration deadline will permanently eliminate my chances of securing an MBBS/BDS seat in my home state for

> this academic year, completely invalidating years of preparation.
>
> 5. Direct Prayer to the Committee
> My performance for the re-examination held on June 21, 2026, is currently marked as "Withheld" pending your final decision. Since the May 3 examination was already cancelled nationally and no actual cheating took place on my part, I pray that the Committee:
>
> 1. Condones the procedural delay in submitting this response.
> 2. Refrains from imposing any career-ending multi-year debarment.
> 3. Directs the immediate release of my withheld June 21, 2026 re-examination result on merit before Friday so that I do not lose my eligibility for the Karnataka State Counselling."
>
> (Emphasis added)

In the reply, the petitioner attributed the delay due to the extraordinary circumstances surrounding the sudden re-examination and the anxiety attendant upon preparing for it. In the explanation, the petitioner did not dispute the presence of the mobile phone in her pocket during the examination conducted on 03.05.2026. The petitioner, however, asserted that its presence was wholly inadvertent, occasioned by examination anxiety and the rush at the time of entering the examination premises. The petitioner categorically denied having used the device for accessing any material, communicating with any person or securing an unfair advantage. It was further asserted that the examination centre authorities had examined the device,

found no incriminating activity and returned it to her without seizure or registration of any complaint.

16. These assertions are, of course, the petitioner's defence and cannot, merely by their narration, be elevated to findings of fact. They nevertheless constitute material circumstances which the competent authority was required to consider while determining the nature of the alleged infraction and the consequences that ought to follow.

17. The petitioner further pleaded that this was her third consecutive attempt at NEET (UG), that the petitioner devoted years of preparation to securing admission to a medical institution and that the withholding of her result would render those efforts futile. The petitioner sought condonation of delay, reconsideration of the allegation and release of the result of the re-examination.

18. The explanation brings into sharp focus the distinction between the allegation of possessing a prohibited device and the allegation of actually employing that device to secure an unfair advantage. Whether such distinction would alter the consequence prescribed by the Information Bulletin is a matter

to be examined in the light of its governing provisions. What cannot be overlooked is that the petitioner had placed a specific defence before the authority, which called for consideration in accordance with law.

19. The subsequent development lends a further dimension to the controversy. By a communication dated 28.07.2026, the National Testing Agency itself disclosed the petitioner's performance in the re-examination. The evaluated OMR sheet revealed that the petitioner had answered 148 questions correctly and 22 incorrectly, securing an aggregate of **570 marks**. The communication reads as follows:

Your representation regarding the OMR answer sheet and the result of the candidate ANUSHKA BASAVARAJ MAIDUR, Application No. : 260410446933, Roll No: 2720104005, NEET (UG) 2026 findings.

Inbox

Neet UG 2026 <neetug2026@nta.ac.in>
To: anushkamaidur@gmail.com <anushkamaidur@gmail.com> Tue, 28 Jul, 2026 at 11:21

Dear Candidate,

With reference to your representation, it is to inform you that as per the evaluation of your OMR sheet, you have 148 correct, 22 incorrect and your total score is 570. Your actual score card has been published on the website neet.nta.nic.in and also emailed to you. Kindly note that any tampering with your downloaded OMR sheet will result in proceedings under the Public Examinations (Prevention of Unfair Means) Act 2024.

Yours faithfully,

Sd/-

Director (Exams)

For National Testing Agency

Enclosure:

Copy of the candidate's genuine OMR answer sheet held on record with NTA

OMR - ANUSHKA BASAVARAJ MAIDUR.pdf
490 KB

The merit secured by the petitioner in the re-examination is an independently ascertainable fact. **Whether that merit could be denied recognition on account of the allegation relating to the earlier examination is the legal controversy.** It is in this factual setting that the petitioner approached this Court, seeking redressal of her grievance. The petition was instituted on 13.08.2026, calling in question the show cause notice, the decision to withhold the result and the consequential denial of an opportunity to participate in the medical counselling process.

20. The urgency was palpable. The counselling process had commenced and was approaching its conclusion. If the petitioner were denied participation at that stage, even an eventual success in the writ petition could have proved illusory, for the academic calendar would not wait upon the outcome of litigation.

21. This Court, therefore, by an interim order dated 08.09.2026, permitted the petitioner to participate in the counselling process, expressly making such participation subject to the final outcome of the petition and clarifying that no equities

could be claimed on the strength of the interim protection. The interim order dated 08.09.2026, reads as follows:

> "The petitioner is before the Court seeking the following prayer:
>
> > "a) Call for the entire records pertaining to the UFM proceedings initiated against the Petitioner under File No.19/NTA/NEET (UG)/2026, including the centre report, audit material, Committee proceedings, recommendation and final decision, if any.
> >
> > b) ISSUE a Writ of Certiorari or any other appropriate writ, order, or direction quashing the Show Cause Notice dated 17.06.2026 Vide Annexure A1.
> >
> > c) Issue a writ of certiorari or any other appropriate writ, order or direction quashing the action of Respondent Nos.2 and 3 reflected in the NEET (UG) 2026 Score Card dated 16/07/2026, vide Annexure-A, insofar as the Petitioner's result is marked 'RESULT WITHHELD/R/W', and quash any consequential order or decision withholding the Petitioner's result.
> >
> > d) ISSUE a Writ of Mandamus or any other appropriate writ, order, or direction commanding Respondent No. 1 (NTA) to immediately and unconditionally release the withheld result and the original scorecard of the Petitioner for the NEET (UG) 2026 Re-examination (Roll No. 2720104005);
> >
> > e) ISSUE a Writ of Mandamus directing Respondents No. 2, 3, 4, 5 to permit the Petitioner to register for and participate in the ongoing undergraduate medical counseling for the academic year 2026-27 based on her lawfully secured score of 570 marks;
> >
> > f) PASS any such other and further orders as this Hon'ble Court deems fit and proper in the facts and circumstances of the case, in the absolute interest of justice, equity, and good conscience."
>
> The prayers are manifold. The subject petition is preferred on 13.08.2026 and has been pending. The co-ordinate Bench of this Court had reserved liberty to the petitioner to move the matter once the counseling would

be announced. Therefore, the petitioner has moved the matter for urgent hearing.

The issue is with regard to permitting the petitioner to participate in the counseling. The backdrop of the permission that is now sought is the electronic mail communication issued to the petitioner by the 1st respondent, which reads as follows:

> "Dear Candidate,
>
> With reference to your representation, it is to inform you that as per the evaluation of your OMR sheet, you have 148 correct, 22 incorrect and your total score is 570. Your actual score card has been published on the website neet.nta.nic.in and also emailed to you. Kindly note that any tampering with your downloaded OMR sheet will result in proceedings under the Public Examinations (Prevention of Unfair Means) Act 2024.
>
> Yours faithfully.
>
> Sd/-
> Director (Exams)"

The total score of the petitioner is 570. Therefore, the learned counsel submits that on merit, the petitioner is meritorious and has all the chances of securing a medical seat, as per merit.

The Additional Solicitor General, Sri. Arvind Kamath representing the National Test Academy ('NTA') would oppose the grant of any permission to participate in the counseling on the score that the petitioner in the earlier NEET examination was found in possession of a mobile phone. Though the examination stood cancelled and a re-examination was done, the learned ASG submits that the allegation of carrying a mobile phone earlier cannot be brushed aside.

While it is true cannot be brushed aside, which however, would be subject to the outcome of the final orders that this Court would pass, the impending urgency in the matter is that the counseling has now commenced and would end at 2:00 pm on 09.09.2026. Several High Courts have in an identical circumstances permitted the candidate to participate in the counseling.

The High Court of Bombay in the case of Viraj Pramod Pawar and another vs. Union of India and others in Writ Petition (ST.) No.10916/2026 following the earlier order passed by the Bench of the High Court of Bombay at Aurangabad in Writ Petition No.8589/2026 has held as follows:

> "6. Considering that the Petitioners are similarly placed as the Petitioners in Writ Petition No.8589 of 2026 and Writ Petition No.8912 of 2026, which are the subject matter of the Order dated 10th August 2026, we pass a similar interim order in the present matter as under:
>
> a. Though the last date for registration - reporting / joining as per Schedule – II for CAP-1 of MBBS/BDS (Group A) of Round 1 of Re-NEET (UG) 2026 is 22nd August 2026, Ms.Kapadia, the learned counsel for the Respondent No.5 State CET Cell, states that there is further revision and the schedule will be made available to this Court in the course of today.
>
> b. We, as and by way of interim order, direct Respondent No.2 NTA to declare the Re-NEET 2026 Examination result of the Petitioners by today and allow the Petitioners to participate in CAP-1 of MBBS/BDS by registering through offline mode.
>
> c. Respondent No.1 shall file its Affidavit in Reply to the Writ Petition within a period of one week from today, i.e. on or before 28th August 2026.
>
> d. This order is subject to the outcome of the present Petition and the Petitioner shall not claim any equities by virtue of this order being passed.
>
> e. Writ Petition shall be placed for further consideration on 11th September 2026.
>
> g. At this stage, Ms.Kapadia, the learned counsel for Respondent No.5, has shared with this Court the Revised Schedule II for CAP-1 for admission to MBBS/BDS (Group A) for academic year 2026-27 vide Notice No.10 issued on 19th August 2026 where it is mentioned that Online / Offline Registration and Session shall be applicable from 20th August 2026 to 21st August 2026 upto 8 p.m."

The High Court of Delhi in the case of **Aditya Vinod Swami and another vs. National Testing Agency and others** in W.P.(C) 11212/2026 & CM Appl.54270/2026 on 24.08.2026 also grants an interim order of participation or announcement of results and even participation in the counseling.

> "16. Admittedly, **the petitioners have not been arrayed as accused in the charge-sheet filed by the CBI and have, instead, been cited as witnesses. At this stage, therefore, the petitioners cannot be treated as persons against whom criminal culpability has been established or as having been found guilty of any illegality.**
>
> **17. The charge-sheet filed by the CBI is yet to be tested in accordance with law, and the allegations contained therein would necessarily have to be established by leading appropriate evidence. The submissions advanced by learned Standing Counsel for the CBI are also based upon the findings contained in the charge-sheet, which are yet to be tested in trial. At this stage, therefore, no final conclusion can be drawn regarding the culpability of the petitioners.**
>
> **18. The petitioners are at a nascent stage of their academic careers. In these circumstances, I am of the view that the withholding of their results, merely on the basis of allegations which are yet to be tested in accordance with law, would cause serious prejudice to them. The petitioners ought to be permitted to know their results and, subject to the outcome of the proceedings, participate in the further rounds of counselling conducted by the NTA. At best, the petitioners can only be charged for unfair means, which will be tested once the parties have led detailed evidence.**
>
> **19. To deny the petitioners an opportunity to participate in the counselling process at this stage may result in consequences which**

cannot subsequently be adequately remedied.

20. For the aforesaid reasons, I am satisfied that the petitioners have made out a prima facie case. The balance of convenience also lies in their favour, and they are likely to suffer irreparable loss and injury if their results continue to remain withheld. Loss of an academic year or an opportunity to participate in the counselling process may have consequences which cannot be adequately compensated in terms of money.

21. Accordingly, the results of the petitioners shall be declared within 24 hours from the time the present order is uploaded. On the basis of the results so declared, the petitioners shall be permitted to participate in the further rounds of counselling conducted by the NTA, subject to their otherwise fulfilling the applicable eligibility criteria. 22. The petitioners whose counseling results were not declared till now will be permitted to apply offline."

(Emphasis supplied)

In the aforesaid circumstances, owing to the urgency of the matter, we hereby permit the petitioner to take part in the counseling that is now on, which would come to an end at 2:00 pm on 09.09.2026 making it clear that the petitioner on whatsoever ground cannot claim equities in the event the petition would go against the petitioner. It is only an interim order permitting counseling to preserve the right of the petitioner, as if the counseling gets over, the right of the petitioner would get vanished, and in the event, the petitioner would later succeed in the petition, she would be neither here nor there.

To enable the petitioner to participate in the counseling, all that is needed to be done by the respondent shall be done without brooking any delay.

In these peculiar circumstances, we permit the petitioner to participate in the counseling which would remain subject to the result of the petition. The petition

> shall be posted on 17.09.2026, to be heard and disposed as pleadings stand complete today.
>
> The petitioner shall forthwith approach the Karnataka Examination Authorities as soon as the NTA releases the results of the petitioner and the KEA shall again without brooking any delay permit the petitioner to participate in the counseling in accordance with law."

While passing the afore-quoted interim order, this Court noticed similar interim protection extended by the High Court of Bombay in **VIRAJ PRAMOD PAWAR AND ANOTHER V. UNION OF INDIA AND OTHERS** in **Writ Petition (ST.) No.10916 of 2026** and by the High Court of Delhi in **ADITYA VINOD SWAMI AND ANOTHER V. NATIONAL TESTING AGENCY AND OTHERS** in **W.P.(C) No.11212 of 2026**. The common thread running through those interim orders was the necessity of preserving the academic opportunities of students while leaving the underlying allegations to be determined in accordance with law.

22. The object of the interim order was to ensure that the doors of medical education were not irretrievably closed before the legality of the impugned action could receive judicial consideration. **The interim order thus preserved the subject matter of the *lis*; but did not predetermine its outcome.**

23. The subsequent events are equally significant. Pursuant to the interim protection, the petitioner participated in the counselling process, secured a seat purely on merit at the Belagavi Institute of Medical Sciences and has since commenced pursuing medical education. These facts are not in dispute.

24. **The controversy, therefore, now stands at a delicate interplay of examination discipline, administrative fairness and demonstrated academic merit.** On one side lies the unquestionable authority of the examining body to preserve the sanctity of competitive examinations and punish proven violations of the governing rules. On the other lies the claim of a student who has secured 570 marks, out of 620, in a fresh examination, against whose conduct in that examination no allegation of unfair means is made, but whose academic future is sought to be affected by an allegation arising from an earlier examination cancelled in its entirety.

25. It is against this backdrop that the action of the National Testing Agency must be tested on the touchstone of the governing Information Bulletin, the principles of natural justice and the permissible limits of judicial review.

26. A perusal at the information bulletin of examination with regard to the unfair means would clearly indicate that it solely rests upon unfair advantage. Unfair means a practice that allows a candidate to gain an unfair advantage. The information bulletin of the examination reads as follows:

" CHAPTER 14

UNFAIR MEANS PRACTICES AND BREACH OF EXAMINATION RULES

1. Definition

Unfair means practice is an activity that allows a candidate to gain an unfair advantage over other candidates. It includes, but is not limited to:

a. Being in possession of any item or article which has been prohibited or can be used for unfair practices including any stationery item, communication device, accessories, eatables, ornaments, or any other material or information relevant or not relevant to the examination in the paper concerned.

b. Using someone to write the examination (impersonation) or preparing material for copying;

c. Breaching examination rules or any direction issued by NTA in connection with the conduct of the NEET (UG)-2026 examination from time to time.

d. Assisting other candidates to engage in malpractices, giving or receiving assistance directly or indirectly of any kind or attempting to do so;

e. Writing questions or answers on any material other than the answer sheet given by the Centre Superintendent for writing answers.

f. Tearing/Defacing of filled OMR Sheet, any page of the test booklet, etc.

g. Contacting or communicating or trying to do so with any person, other than the Examination Staff, during the examination time in the Examination Centre.

h. Taking away the answer sheet (Original OMR/Office Copy of OMR) out of the examination hall/room.

i. Smuggling out of Question Paper or its part or smuggling out answer sheet or part thereof.

j. Threatening any of the officials connected with the conduct of the examination or threatening any of the candidates.

k. Using or attempting to use any other undesirable method or means in connection with the examination.

l. Manipulation and fabrication of online documents viz, admit card, rank letter, self-declaration, etc.

m. Forceful entry/exit in/from Examination Centre/Hall.

n. Use or attempted use of any electronic device after entering the Examination Centre,

o. Affixing/uploading of wrong/morphed photographs on the application form/admit card/proforma.

p. Erasing or obliterating any information printed on the OMR Answer Sheet.

q. Providing incorrect information and/or overwriting of the Roll No./ Test Booklet No. /own Name of the Candidate / Father's Name / Mother's Name / own Signature, on the OMR Answer Sheet.

r. Making fake claims by manipulating the responses in the OMR sheet by/on tampering it in any way whatsoever, uploaded on the website for the challenge before or after the declaration of the result.

s. Creating obstacles in smooth and fair conduct of the examination.

t. Any other malpractices declared as Unfair means by the NTA.

u. Any other unfair means practice covered under Clause 3 of Chapter II under Public Examinations (Prevention of Unfair Means) Act, 2024.

2. PUNISHMENT FOR USING UNFAIR MEANS PRACTICES

During the course of, before, or after the examination if a candidate indulges in any of the above or similar practices, he/she shall be deemed to have used unfair practices and booked under UNFAIR MEANS (U.F.M.) case. The candidate would be debarred upto 3 years from NTA examination (depending on the gravity of unfair means) in future and shall also be liable for criminal action and/or any other action as declared in Public Examinations (Prevention of Unfair Means) Act, 2024.

3. CANCELLATION OF RESULT

a. The result of NEET(UG)-2026 of the candidates who indulge in Unfair means Practices will be cancelled and will not be declared.

b. Similarly, the result of those candidates who appear from the Centre other than the one allotted to them, write on the Test booklet/OMR Sheet of other candidates or allow other candidates to write on their Test Booklet/OMR Sheet will be cancelled (and will not be declared)"

(Emphasis added)

Both the afore-quoted notifications and the information bulletin of examination emanate from respondent No.1 – National Testing Agency. The consequence of the first notification is unmistakable. The examination conducted on 03.05.2026 stood scrapped in its entirety, thereby losing its

efficacy as a measure of merit or as a foundation for determining the inter se ranking of candidates. The second notification dated 15.05.2026 heralded the conduct of a fresh examination on 21.06.2026, intended to afford the aspiring candidates a renewed opportunity to establish their merit in an examination untainted by the irregularities. Pursuant thereto, the petitioner is issued a fresh admit card, bearing a different roll number, permitting her to participate in the re-examination.

27. It is at this juncture that the sequence of events assumes a peculiar complexion. After having issued the fresh admit card, thereby recognising the petitioner's eligibility to participate in the re-examination, the National Testing Agency issues a show cause notice dated 17.06.2026, alleging that the petitioner had carried a mobile phone into the examination premises on 03.05.2026. The allegation, therefore, traces its origin to an examination which, by then, had already been cancelled by the very authority that seeks to initiate proceedings against the petitioner. What lends further significance to the matter is the timing of the show cause notice. It is issued barely four days before the re-examination, at a time when the petitioner was expected to devote her undivided attention to an

examination that could shape the course of her academic destiny.

28. The juxtaposition of these events presents a striking circumstance. **The authority, on the one hand, permits the petitioner to enter the portals of a fresh examination and, on the other, seeks to pursue an allegation arising out of an examination that had already been extinguished for the purpose of determining merit.** Whether the alleged infraction in the scrapped examination could legitimately travel beyond the cancellation of that examination and cast its penal shadow upon the petitioner's performance in a subsequent and independent examination is the question that lies at the heart of the controversy. Equally, whether the mere allegation of possession of a prohibited device, without a determination of its consequences in accordance with the governing rules, could justify withholding the fruits of demonstrated merit in the re-examination is a matter that calls for judicial scrutiny.

29. The issue that now emerges for consideration, in the peculiar and rather extraordinary circumstances obtaining in the case at hand, is:

Whether a student, who has demonstrated her academic excellence by securing high marks in a duly conducted re-examination and has, on the strength of such merit, earned a seat in the prestigious Belagavi Institute of Medical Sciences, should be made to suffer the forfeiture of her academic future on account of an alleged infraction committed during an earlier examination which itself stood cancelled, scrapped and consigned to oblivion?

30. The issue is not merely one of adherence to examination discipline. It traverses beyond the sanctity of merit, the proportionality of administrative action, the distinction between an inadvertent infraction and a deliberate attempt to secure an unfair advantage, and, above all, whether the machinery established to recognise excellence can itself become an instrument for extinguishing it.

31. Before embarking upon an examination of the issue, it becomes apposite to advert to the very object and philosophy underlying the National Eligibility cum Entrance Test (NEET). **The examination is not an end in itself. It is a means to an end — an institutional mechanism designed to identify merit,**

preserve academic excellence, secure uniformity in standards and ensure that admission to the noble profession of medicine is governed not by privilege, patronage or pecuniary prowess, but by demonstrated intellectual ability.

32. The primacy of merit in medical admissions is neither a matter of administrative convenience nor a principle of recent vintage. It has received the imprimatur of the Apex Court in a catena of judgments. The Apex Court, in the case of **SIDDHANT MAHAJAN v. STATE OF RAJASTHAN**[1], holds as follows:

> " …. …. ….
>
> **40.** Before adverting to the facts of the present case, **it is imperative to clarify that admissions to MBBS and BDS courses in all government and private medical colleges are to be undertaken solely on the basis of NEET merit.** This position has been settled in the case of Sankalp Charitable Trust (supra). The relevant portions of orders passed in the said case are reproduced as follows:
>
> > *"**23.** In view of the request made by the learned Solicitor General, hearing is adjourned to 9-5-2016. However, it is clarified that no examination shall be permitted to be held for admission to MBBS or BDS studies by any private college or association or any private/deemed university.*
> >
> > ***xxx***
> >
> > ***33.** Prima facie, we do not find any infirmity in the NEET regulation on the ground that it affects the rights of the States or the private institutions. Special provisions for reservation of any category are not subject-matter of NEET nor are the rights of*

[1] **2025 SCC OnLine SC 2864**

minority in any manner affected by NEET. NEET only provides for conducting entrance test for eligibility for admission to the MBBS/BDS course.

xxx

37. *In view of the above, it is also clarified that only NEET would enable students to get admission to MBBS or BDS studies."*

41. The NEET examination functions as a mechanism which not only upholds the high standards of medical education across the country through its recognition of merit but also ensures a level-playing field for medical aspirants. **Consequently, all admissions to medical institutions must strictly conform to the standards and regulations prescribed for the conduct of NEET, so as to safeguard the primacy of merit**. A three-Judge Bench of this Court, while upholding the constitutional validity of NEET in *Christian Medical College Vellore Association v. Union of India*, (2020) 8 SCC 705, also laid emphasis on the significance of regulatory norms in enhancing the quality of professional education in the country. The relevant portions of the said judgment are reproduced for your perusal hereinbelow:

*"**55.** The prescription of NEET is definitely in order to improve the medical education, co-related to the improvement of public health, thus, it is a step in furtherance of the duty of the State enshrined in the directive principles of State policy contained in Article 47 of the Constitution of India. Similarly, Article 46 aims at promotion of educational and economic interests of the Scheduled Castes, Scheduled Tribes, and other weaker sections. **By prescription of one equivalence examination of NEET, the interest of their merit is also equally protected** and its aims of preventing various malpractices, which crept into the system and prevent economic exploitation by selling seats with which malady the professional medical education system suffered. **Article 51-A(j) deals with the duty to strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement. For that purpose, recognition of merit is necessary, and one has to be given a full opportunity in pursuit of his/her aim. The prescription of NEET is to provide equal opportunity and level launching platform to an individual to perform his duty as enshrined under Article 51-A(j).** Thus, we find that there is no violation of the aforesaid provisions as argued by*

the appellants, rather action is in furtherance of the constitutional aims and directions to achieve intendment of Article 51-A(j) and is in the national interest.

xxx

62. *Thus, it is apparent that the provisions in question which have been incorporated in the Act relating to Medical/Dental education, the Government, MCI and DCI cannot be said to be an invasion of the fundamental rights. The intendment is to ensure fairness in the selection, recognition of merit, and the interests of the students. In the national interest, educational institutions are basically for a charitable purpose. By and large, at present education is devoid of its real character of charity, it has become a commodity. To weed out evils from the system, which were eating away fairness in admission process, defeating merit and aspiration of the common incumbent with no means, the State has the right to frame regulatory regime for aided/unaided minority/private institutions as mandated by directives principles, Articles 14 and 21 of the Constitution. The first step has been taken to weed out the evils from the system, and it would not be in the national interest to step back considering the overall scenario. If we revert to the old system, posterity is not going to forgive us. Still, complaints are galore that merit is being ignored by private institutions; there is still a flood of litigation. It seems that unfettered by a large number of regulatory measures, unscrupulous methods and malpractices are yet being adopted. Building the nation is the main aspect of education, which could not be ignored and overlooked. They have to cater to national interest first, then their interest, more so, when such conditions can be prescribed for recognition, particularly in the matter of professional education.*

....

67. Resultantly, we hold that there is no violation of the rights of the unaided/aided minority to administer institutions under Articles 19(1)(g) and 30 read with Articles 25, 26 and 29(1) of the Constitution of India by prescribing the uniform examination of NEET for admissions in the graduate and postgraduate professional courses of medical as well as dental science. The provisions of the Act and Regulation cannot be said to be ultra

> ***vires or taking away the rights guaranteed under the Constitution of India under Article 30(1) read with Articles 19(1)(g), 14, 25, 26 and 29(1). Accordingly, the transferred cases, appeal and writ petitions are disposed of. No costs.″***

In the afore-quoted judgment, the Apex Court, while considering the object of NEET and the inviolability of merit in admissions to medical courses, has unequivocally declared that admissions must be founded upon NEET merit and that the examination serves the twin purposes of maintaining excellence in medical education and ensuring a level playing field for every aspiring medical student.

33. The Apex Court, drawing sustenance from the Constitution Bench pronouncement in the case of **CHRISTIAN MEDICAL COLLEGE VELLORE ASSOCIATION v. UNION OF INDIA[2],** in the afore-quoted judgment underscores, that the prescription of NEET is intended to advance the constitutional aspirations embodied in Articles 14, 21, 46, 47 and 51-A(j) of the Constitution of India. **The recognition of merit is thus not merely an academic imperative; it is an essential component of constitutional governance in the realm of professional education.**

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[2] (2020) 8 SCC 705

34. The elucidation of law by the Apex Court in the afore-quoted judgment would unmistakably reveal that **merit is the soul of the NEET examination; fairness is its foundation; and excellence is its ultimate destination.** The regulatory framework is conceived to protect these principles, not to defeat them. The rules governing an examination undoubtedly command obedience, but their application must remain faithful to the purpose for which the examination itself has been conceived.

35. An examination designed to discover merit cannot, by an unduly mechanical application of its disciplinary provisions, become the very instrument for destroying merit, particularly when the alleged infraction pertains to an examination which has ceased to possess any legal or academic efficacy. It is against this constitutional and legal backdrop that the case of the petitioner must be considered.

36. The petitioner is a young student standing at the threshold of a professional career in medicine. The petitioner has successfully undertaken the re-examination conducted by respondent No.1 — National Testing Agency, secured high

marks, earned a medical seat purely on the strength of her merit at the Belagavi Institute of Medical Sciences and is now pursuing the course. Her academic excellence is not a matter of conjecture. It stands demonstrated by her performance in the subsequent examination.

37. Yet, respondent No.1 seeks to cast a shadow over this achievement, not on the allegation of any malpractice in the re-examination which earned her the seat, but on the premise that the petitioner had carried a mobile phone into the examination premises during the earlier examination — an examination which, by the subsequent decision of the very same Agency, stood cancelled and scrapped. **The distinction is fundamental. It is not a distinction without a difference.**

38. In her explanation to the show cause notice, the petitioner has categorically asserted that the mobile phone was carried inadvertently, owing to the anxiety and stress attendant upon an examination of such magnitude. The explanation is one of an unintentional lapse and not of a calculated endeavour to secure an unfair advantage.

39. It must be remembered that **the mere possession of a mobile phone, though capable of constituting a breach of examination instructions, cannot, without regard to the governing rules and attendant circumstances, invariably be equated with the actual use of unfair means to secure an undeserved academic advantage.** A breach of discipline and the procurement of merit by deception are not necessarily synonymous.

40. The Court is conscious that examination discipline is sacrosanct. The sanctity of a competitive examination cannot be compromised at the altar of misplaced sympathy. A candidate who deliberately resorts to unfair means, manipulates the examination process or secures a rank through dishonest practices cannot seek shelter under the umbrella of equity. Merit obtained by malpractice is no merit in the eye of law. But, the case at hand presents an entirely different picture.

41. The examination in which the alleged infraction occurred was itself scrapped. Its results were rendered inconsequential. No academic advantage flowing from that examination has been carried forward to the benefit of the

petitioner. The petitioner thereafter appeared in a fresh examination, competed with other aspirants and emerged with high merit. No allegation of malpractice in the subsequent examination is placed against her. **Therefore, the examination that was scrapped cannot be resurrected merely to eclipse the merit earned in the examination that survived.**

42. Had the petitioner repeated the alleged conduct in the re-examination, or had her present ranking been shown to be the product of unfair means, the matter would have stood on an entirely different footing. No indulgence could then have been claimed merely on the strength of a high score. But those are not the facts obtaining in the case at hand.

43. **Rules are framed to secure fairness, not to become instruments of disproportionate forfeiture. Discipline is intended to protect merit, not to punish excellence for its own sake.**

44. **The object of NEET is to discover merit. The object of examination discipline is to preserve the integrity of that discovery. Neither object can be**

permitted to defeat the other by an application divorced from the peculiar circumstances of the case.

45. The petitioner has not secured admission on the strength of the examination in which the petitioner is alleged to have carried a mobile phone. That examination has been scrapped. The petitioner has secured admission on the strength of a subsequent, independent and valid examination. Her present merit is not the offspring of the alleged infraction; it is the outcome of a fresh assessment of her academic ability.

46. The submission of the learned Additional Solicitor General of India, seeking to sustain the impugned action on the basis of the earlier examination, therefore, does not merit any acceptance, in the peculiar facts obtaining in the case at hand.

47. **A cancelled examination may remain a matter of history; it cannot, without sufficient legal justification, be permitted to become a perpetual impediment to a student's future.**

48. The petitioner has earned her seat through merit. The petitioner has commenced the pursuit of medical education. **To now uproot her from that pursuit, on the sole premise of**

an explained infraction in an examination which no longer forms the foundation of her admission, would, in the circumstances of the case, amount to allowing the consequence to overwhelm the cause.

49. **There is yet another facet which cannot be lost sight of. A seat in a medical college is not merely an admission to an academic institution. It is the culmination of years of preparation, perseverance, sacrifice and aspiration. For a young student, it represents the threshold of a profession dedicated to the preservation of human life.**

50. Before parting with this issue, it must be observed that the future of a meritorious student ought not to be made a casualty of an infraction which, in the peculiar circumstances of the case, has not been shown to have contributed to the merit on which her present admission rests. The law must be firm against dishonesty, but it need not be unforgiving towards every inadvertent lapse. An examination authority must be vigilant against malpractice, but vigilance cannot degenerate into rigidity that defeats the very purpose of the examination.

51. **Merit must never become a shield for malpractice; but an allegation of malpractice must equally not become a sword to destroy independently established merit without sufficient justification.**

52. The petitioner has crossed the threshold of merit in a fresh examination. The examination that preceded it has been effaced. To permit the shadow of that effaced examination to permanently darken her professional horizon, in the absence of adequate justification for such a consequence, would be to elevate the alleged infraction above the very excellence that NEET is designed to recognise. ***The doors of medical education, opened by merit, cannot be shut by an action that fails the test of fairness and proportionality.***

EPILOGUE:

Merit is not a matter of charity; it is the reward of perseverance, discipline, dedication and relentless pursuit of excellence. More so, in a competitive examination for admission to a medical course, where lakhs of aspiring students compete for a handful of coveted seats, merit assumes significance far beyond mere numerical achievement. A meritorious student carries not merely

the marks secured in an examination, but the toil of countless sleepless nights, the sacrifices of formative years and the cherished aspiration of entering the noble profession of medicine. To deny such a student the fruits of demonstrated merit on the altar of procedural technicalities or inconsequential trivialities would be to permit form to triumph over substance and arbitrariness to eclipse excellence.

The doors of medical education must undoubtedly remain guarded against unfair means and undeserving claims, but those very doors cannot be slammed upon genuine merit without compelling justification founded in law. Merit must be nurtured, not neutralised; excellence must be encouraged, not extinguished. A system that sacrifices genuine merit at the altar of technical rigidity does not merely wrong a student; it does disservice to the larger public interest, for society itself is the ultimate beneficiary of a meritorious doctor.

53. For the praefatus reasons, the following:

ORDER

a. The writ petition is allowed.

b. The show cause notice dated 17.06.2026, issued against the petitioner and the score card dated 16.07.2026, indicating the remark that 'RESULT WITHHELD/R/W', stand quashed.

c. The seat secured by the petitioner on the basis of the merit stands sustained.

d. Respondent No.1– National Testing Agency is directed to issue the marks card / score card of the petitioner without any observation of her result being withheld or cancelled.

e. All other impugned actions would stand obliterated.

All pending I.As'. stand disposed, as a consequence.

Ordered accordingly.

Sd/-
(M.NAGAPRASANNA)
JUDGE

Sd/-
(HEMA KULKARNI)
JUDGE

nvj
CT: ASC