

Court No. - 10

Case :- WRIT - C No. - 19806 of 2023

Petitioner :- Madhvi Tiwari

Respondent :- Union Of India And 3 Others

Counsel for Petitioner :- Akhilesh Chandra Shukla

Counsel for Respondent :- A.S.G.I., Akhilesh Kumar Mishra, Amitrana, Chetan Chatterjee, Dhananjay Awasthi

Hon'ble Salil Kumar Rai, J.

The report of the High Power Inquiry Committee in a sealed cover submitted by Shri Dhananjay Awasthi, the counsel for the respondents is taken on record and shall be part of the records of the case.

The present petition has been filed by the petitioner claiming that she scored 585 marks out of 720 with a total percentile of 97.9650121 and NEET All India Rank of 27493.

It has been claimed in the petition that because of her good score cards she was admitted in the Saraswati Institute of Medical Science, Hapur and had cleared her MBBS 1st year Examination but was not being admitted in MBBS IIInd year. On the aforesaid plea, the petitioner has filed the present petition praying for the following reliefs:

"i. Issue a writ, order or direction in the nature of Mandamus directing the respondent no. 4 to permit the petitioner as 2nd years student and allow her to continue her study in respondent college and direct the respondent no.2 and 3 to take action against the respondent college.

ii. issue a writ, order or direction in the nature of Mandamus directing the respondent no.3 to permit the petitioner to continue her study in any other College treating her as regular student of 2nd year MBBS."

The National Testing Agency i.e., respondent no.3 in the present petition filed its counter affidavit stating that the score cards and the admit card submitted by the petitioner were forged documents and denied the claim of the petitioner.

Subsequently this Court vide its order dated 7.12.2023 directed the National Testing Agency to constitute a High Power Inquiry Committee and to submit its report before the next date of listing after providing opportunity of hearing to the petitioner.

The High High Power Inquiry Committee consisting of

a. **Prof. H.C. Gupta**, Former Professor of IIT Delhi, Former Chairman of Organizing Committee for JEE-Advanced (2013) and a Former Member, UPSC- **Chairman**;

b. **Prof. Ashok Jaryal**, Additional Professor in the Department of Physiology and Former Associate Dean (Exams) at AIIMS, New Delhi-**Member**;

c. **Shri Umesh Agarwal**, Scientist "F" & Sr. Technical Director, NIC (exam Division)-**Member**;

d. **Dr. B. Srinivas**, DDG & Member Secretary, Medical Counselling Committee (MCC), Directorate General of Health Services (DGHS), Ministry of Health & Family Welfare (MoHFW)-**Special Invitee, &**

e. **Shri B.M. Gupta**, Sr. Consultant (Exams), NTA & Former Director(IT), CBSC- **Special Invitee** was constituted and after informing the petitioner about the inquiry proceedings, a report has been submitted today in the Court which, as already noted, is taken on record. In its report, the Inquiry Committee has noted that the petitioner had refused to take notice and his counsel had also refused to accept the notice when the counsel for the National Testing Agency tried to serve it on him. The Inquiry Committee after considering all the relevant records and the original OMR answer sheet has rejected the claim of the petitioner and has observed that the documents annexed with the writ petition are forged documents. The petitioner never got 585 marks out of 720 which was obtained by 620 candidates which does not include the petitioner. The Roll Number of the petitioner was 4401204502 and the Application Number of the petitioner was 200410010315 and not 4401205405 and 2005100010416 as stated by her. It has also been informed by the Inquiry Committee that the Roll Number claimed by the petitioner was allotted to one Dakshiita Agarwal with Application Number 200410558485. The Inquiry Committee further reports that the petitioner had obtained 72 marks out of total of 720 and her total percentile score was 23.7791920 and her NEET All India Rank was 1041435 and NEET Category Rank was 322016. It has been further noted by the Inquiry Committee that All India Quota Rank at 27493 had been allotted to another candidate Ms.Aparna Tiwari and not to the petitioner.

Evidently, the petitioner has not approached this Court with clean hands and tried to mislead the Court by annexing forged documents. The Inquiry Report submitted by the National Testing Agency indicates forgery and tampering conducted by the unsuccessful candidates to tamper with the results declared by the National Testing Agency and obtain relief from the Court on the basis of forged documents. It is a case, which may require further investigation regarding other persons involved in any racket formed for tampering with the results for admission on the basis of tampered results of the entrance test.

The extract of the inquiry report is reproduced in detail : -

"Based upon the scrutiny of records and discussions held, the Committee finds the following in the matter:

a. The Petitioner has claimed in her petition (Ref. Para 4 & 5) that she had appeared in NEET (UG)-2020 with Application No. 2005100010416 and Roll No. 4401205405 on 13.09.2020. The result of NEET (UG)-2020 was declared on 17.10.2020 and she secured 585 marks and NEET All India Rank of 27493 with a 97.9650121 percentile

b. Whereas, as per the information taken on record (Exhibit-"), the Petitioner appeared in NEET (UG) 2020 as a Candidate with Application No. 200410010315 and Roll No. 4401204502 under the UR Category (and not with the Application No. 2005100010416 and Roll No: 4401205405), as claimed by her. Application Number: 2003100010416, as claimed by the Petitioner/Candidate, does not exist in the Database of NEET (UG) 2020. The first 04 digits of Application No. 200510001416 have been used for the UGC NET 2020 Examination [and not NEET (UG)-2020]. Whereas, in the first 04 digits of the Application No. 200410010315 actually allotted to the Petitioner (as acknowledged by the Petitioner Candidate vide her email dated 14.08.2020, which is annexed as Exhibit-'J'), the first 02 digits i.e., '20' stands for the year of exam and next 02 digits i.e., '04' stands for the Exam Code for NEET (UG). Further, against the Roll No. 4401204502 (which has been mentioned by the Petitioner/ Candidate herself on the allotted OMR Answer Sheet, details of which are given below), she has secured 72 marks out of total marks of (and not 385 as claimed by her). Her total Percentile Score is 23.7791920 and her NEET All India Rank is 1041435 and NEET Category Rank is 322016.

c. The Original OMR Answer Sheet produced by NTA before the Committee (a scanned copy of which is annexed as Exhibit-'K"), has the following details:

Roll No:4401204502

Test Booklet No.:2572022

Text Booklet Code : F4

Answer Sheet Barcode No. 2572022

Name:Madhvi Tiwari

Mother's Name:Sadhna Tiwari

Father's Name:Govind Kumar Tiwari

Signature of the Candidate:Sd/-

Signature of the Invigilators:Sd/-

d. The Marks Calculation Sheet (which is annexed as Exhibit-'), based upon the answers given by the Petitioner in the above mentioned OMR Sheet, entails the following details:

Application No 200410010315

Roll No. 4401204502

Name Madhvi Tiwari

Booklet No. 2572022

OMR Barcode No. 2572022

Booklet Code : F4

Attempted:158

Not Attempted:22

Correct :46

Incorrect:112

Marks:72

e. The Roll No. 4401205405, as claimed by the Petitioner/Candidate belongs to Dakshita Agarwal, another candidate of NEET (UG) 2020 with Application No. 200410558485, who has secured 346 marks out of 720 in this examination.

f. The analysis of the details given in the purported Score Card at Annexure-2 of WRIT- C No. 19806 of 2023 (Exhibit-'M' of this report), reveals the following:

i. The Roll No. 4401205405 and Application No. 2005100010416 have not been allotted to the Petitioner as a Candidate for NEET (UG) 2020, as mentioned earlier.

The Petitioner Candidate has not secured 585 marks out of 720 of total marks. 620 Candidates of NEET (UG) 2020 (and not the Petitioner/Candidate) have scored 585 marks out of 720, with total percentile of 97.9650212 (and not 97.9650121, as claimed in the purported Score Card).

The Percentile Score claimed in Physics: 98.1294221, Chemistry: 98.9920259, and the total Percentile Score: 97.9650121, are invalid, as they are not mathematically obtainable, based on the marks obtained and the total no. of candidates appeared in NEET (UG) - 2020.

iv The All India Quota Rank (for 15% Seats) at 27493 has been allotted to another candidate (Ms. Aparna Tiwari, Dio. Shri Rameshwar Tiwari, with Application No. 200410139760 and Roll No. 1502338031) and her Result is as under:

Marks obtained: 585 (out of 720)

Physics :97.4416636 percentile

Chemistry 97.8897438 percentile

Biology 97.0913198 percentile

Total 97.9650212 percentile

v. The Percentile Score claimed in Biology as 94. 1656675 have been secured by 4352 Candidates (and the Petitioner/Candidate does not feature in the said data).

In view of the above, it is established by the Committee that the claim of the Petitioner/ Candidate Madhvi Tiwari as securing 585 marks, 97.9650212 percentile score, NEET (UG) All India Rank of 27493, UR category rank of 12397 are false and based on forged/ doctored document as provided by her in Annexure-2 at Page 24 of the Writ Petition. It is clear that the Petitioner/Candidate (with Application No. 200410010315 and Roll No. 4401204502) has been awarded 72 marks out of the total marks of 720, Percentile Score 23.7791920, NEET (UG) All India Rank 1041435, and UR Category Rank 322016 in NEET (UG) 2020."

The Director, National Training Agency and the Principal Secretary, Ministry of Higher Education, Union of India, New Delhi are directed to get a First Information Report registered against the petitioner and other persons involved in the case within a period of one month from today.

With the aforesaid directions, the writ petition is dismissed so far as the claim of the petitioner is concerned.

At this stage, it would be relevant to state that after the report of the Inquiry Committee was taken on record by this Court and while the order was being dictated, the counsel for the petitioner prayed that the petition be dismissed as withdrawn. The said prayer has been rejected as the petitioner had initially made an attempt to mislead the Court by annexing forged documents and obtained an interim order.

It was argued by the counsel for the petitioner that the inquiry report has been submitted without giving the petitioner any opportunity of hearing. The said fact is not relevant for the orders that have been passed in as much as any finding in the inquiry report would be subject to the report of the investigation to be conducted after the registration of the First Information Report.

The Registrar (Compliance) shall send a copy of this order to the Director, National Training Agency, New Delhi and the Principal Secretary, Ministry of Higher Education, Union of India, New Delhi within 24 hours for necessary compliance.

The inquiry report shall be kept in a sealed cover in the office and in the custody of Registrar General of this Court.

Order Date :- 6.2.2024

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