



2024 INSC 694

NON-REPORTABLE

**IN THE SUPREME COURT OF INDIA
EXTRA-ORDINARY APPELLATE JURISDICTION
SPECIAL LEAVE PETITION (C) No.20243/2024**

**TALLURI SRIKAR (MINOR) THROUGH
HIS FATHER TALLURI SRIKRISHNA** **...PETITIONER**

VERSUS

**THE DIRECTOR, NATIONAL
TESTING AGENCY & ORS.** **...RESPONDENT(S)**

J U D G M E N T

MANOJ MISRA, J.

1. By this Special Leave Petition, the petitioner seeks leave to appeal against the judgment and order of the High Court¹ dated 09.08.2024, whereby the writ petition² of the petitioner, *inter alia*, seeking a direction to the first respondent to conduct re-examination of NEET(UG)-2024 for the petitioner, as it did for 1563 candidates, has been dismissed.

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Sanjay Kumar
Date: 2024.09.13
17:23:04 IST
Reason: _____

The High Court for the State of Telangana at Hyderabad

² Writ Petition No.21897 of 2024

2. The case of the petitioner is that he suffers from a medical condition called 'Hyperhidrosis' of palms and soles. Due to which, his palms sweat profusely. Therefore, to keep them dry, he needs a piece of cloth, such as a handkerchief, to wipe off the sweat. According to the petitioner, though he was allowed to appear in the NEET-2024 examination, he was not permitted to take his handkerchief inside the examination hall. As a result, he was extremely inconvenienced and could not gainfully utilize the allotted time for the examination. It is also his case that because of that he could not attempt many questions and even bubbled a wrong digit on the OMR sheet. He, therefore, prayed that a fresh examination be conducted for him as was done for 1563 candidates who lost examination time because of delay in distribution of correct question paper to them.

3. It appears that in connection with the above grievance, the petitioner had submitted a representation which stood rejected by order dated 21.06.2024. The said order was therefore impugned in the writ petition filed before the High Court.

4. The High Court dismissed the petition upon finding that full allotted time for giving the examination was provided to all the candidates including the petitioner at the relevant examination center; therefore, the case of the petitioner is not at par with those 1563 candidates for whom a fresh examination was conducted. The High Court observed that even if it is assumed that the petitioner was wrongly denied permission to carry a handkerchief, the same would not have materially affected his performance in the examination as sweat on palms could easily be wiped off on the clothes worn by a person.

5. We have heard the father of the minor petitioner along with the petitioner, who appeared in person, and perused the materials on record.

6. The thrust of the submissions was on the negligence of the security personnel manning the examination center in not allowing the petitioner to carry a handkerchief inside the examination hall even though it was not a prohibited item. It has been argued before us that had the petitioner been provided the benefit of a handkerchief, his performance would

have been a lot better thereby improving his chances for admission in a college of his choice.

7. Having given our thoughtful consideration to the submissions made, we are of the view that it is not a fit case for interference for the following reasons:

(a) There is no case that allotted time for giving the examination was not provided to the petitioner at the examination center. Thus, the case of the petitioner is distinguishable from those 1563 candidates for whom re-examination was conducted because of loss of examination time on account of delay in distribution of correct question paper.

(b) In the examination, answers were to be rendered by darkening blank circles on the OMR sheet. In such a case, the use of a pen or a pencil is much less than where answers are to be written. Hence, the view taken by the High Court that denial of permission to take a handkerchief inside the examination hall would not have materially affected petitioner's performance, as he could have rubbed his palms on his clothes, is a plausible view.

(c) Courts must be circumspect in entertaining an individual grievance relating to a Public Examination as it delays finalization of result thereby seriously prejudicing larger public interest.

8. For all the reasons above, we find no merit in the Special Leave Petition. The same is dismissed.

9. Pending application(s), if any, stand disposed of.

.....**CJI.**
(Dr. D.Y. Chandrachud)

.....**J.**
(J.B. Pardiwala)

.....**J.**
(Manoj Misra)

New Delhi;
September 13, 2024