

(2026) 08 BOM CK 3188
In the Bombay High Court, Nagpur Bench
Case No : Writ Petition No. 5702 of 2026

Aatmaja

APPELLANT

Vs

Union Of India & Ors.

RESPONDENT

Date of Decision : 04-08-2026

Acts Referred:

Constitution of India — Section 226

Citation : (2026) 08 BOM CK 3188

Hon'ble Judges : Raj D. Wakode, J;Anil S. Kilor, J

Bench : Division Bench

Advocate : Mr. Sumit B. Gandhe, Mr. Kartik N. Shukul, Mr. Gaurav Khatwani

Final Decision : Dismissed

Judgement

ORAL JUDGMENT (PER : RAJ D. WAKODE, J.)

Heard Mr. Sumit B. Gandhe, learned counsel for the petitioner, and Mr. Kartik N. Shukul, learned Deputy Solicitor General of India for respondent Nos.1 to 3.

2. Rule. Rule made returnable forthwith. Heard finally with the consent of the parties.

3. The petitioner is a student who had appeared for the National Eligibility-cum-Entrance Test (UG) (NEET-UG) (hereinafter referred to as "the aforesaid examination") held on 21st June, 2026. The aforesaid examination was conducted by respondent No.2-National Testing Agency. The petitioner has approached this Court seeking a direction to respondent No.2 to produce the original Optical Mark Recognition (OMR) Sheet of the petitioner pertaining to the aforesaid examination attempted by her on 21st June, 2026.

4. The contention of the petitioner was that, despite repeated requests, the respondents did not cooperate with the petitioner in downloading the OMR Sheet from the website. So far as prayer Clauses (a) and (b), which pertain to a direction to respondent No.2 to produce the OMR Sheet of the petitioner so that

she could verify her answer sheet with the answer key published by the respondent, are concerned, Mr. Kartik Shukul, learned Deputy Solicitor General of India, tendered across the bar a copy of the OMR Sheet of the petitioner. The petitioner duly received a copy of her OMR Sheet on 28th July, 2026. Accordingly, so far as the grievance of the petitioner in respect of prayer Clauses (a) and (b) is concerned, the same stands redressed.

5. After receiving the OMR Sheet, the petitioner filed an additional affidavit on 3rd August, 2026, raising a grievance that there is every possibility that the scanned OMR Sheet has been manipulated and, more particularly, that the OMR Sheet produced does not belong to her, as the petitioner has secured 117 marks out of 720, whereas she was expecting to secure 604 marks. Thus, the petitioner has prayed, by way of prayer Clause (c), for a direction to respondent No.2 to re-evaluate the final score of the petitioner on the basis of the original OMR Sheet.

6. The aforesaid request of the petitioner is strongly opposed by Mr. Kartik Shukul, learned Deputy Solicitor General of India. He has tendered across the bar the relevant extract of the Information Bulletin published by respondent No.2–National Testing Agency in respect of the aforesaid examination. Clause 4 of Chapter 15 of the aforesaid Information Bulletin is relevant and reads thus:

"15.4. RE-CHECKING/RE-EVALUATION OF ANSWER SHEETS

? The machine-gradable Answer Sheets are evaluated with extreme care and are repeatedly scrutinized.

? There is no provision for re-checking/re-evaluation of the answer sheets. This is because of the following reasons:

i. The OMRs are machine gradable and are being evaluated through specific software impartial to all.

ii. The candidates are given an opportunity to make the representation on the OMR gradation of their OMR sheets and also given an opportunity to challenge the answer key in case of any doubt.

No correspondence in this regard will be entertained."

7. Mr. Kartik Shukul, learned Deputy Solicitor General of India, has relied upon the judgment dated 3rd November, 2020, passed by this Court in Writ Petition No. 2851 of 2020, wherein, relying upon the aforesaid similar clause, this Court held that the petitioner was fully aware that there was no scope for re-assessment/re-evaluation of the OMR answer sheet and, therefore, the petitioner could not be permitted to turn around and question the process of evaluation and seek re-evaluation. The relevant paragraphs 2 and 3 of the aforesaid judgment read thus:

"2) Our attention has been drawn to Clause 15.4 of the Information Bulletin pertaining to the NEET (UG)-2020. The same reads as follows:

"15.4 Re-checking/re-evaluation of answer sheets :

? The machine-gradable Answer Sheets are evaluated with extreme care and are repeatedly scrutinized.

? There is no provision for re-checking/re-evaluation of the answer sheets. This is because of the following reasons:

i. The OMRs are machine gradable which are being evaluated through specific software impartial to all.

ii. The candidates are given an opportunity to make the representation on the OMR gradation of their OMR sheets and also given an opportunity to challenge the answer key in case of any doubt.

? No correspondence in this regard will be entertained.”

3) Prior to participating in the NEET, the petitioner was fully aware that there is no scope for re-assessment/re-evaluation of the OMR answer sheets. In such view of the matter, the petitioner cannot be permitted to turn around and question the process of evaluation once the result is not palatable to her. Unless a provision for re-assessment/re-evaluation is traced to any rule/guideline, none can claim the same as a matter of right. We may profitably refer to the decision of the Supreme Court in *West Bengal Council of Higher Secondary Education vs. Ayan Das*, reported in (2007) 8 SCC 242, in this regard.”

8. So far as the contention raised by the petitioner regarding manipulation of her OMR answer sheet by respondent No.2 is concerned, we fail to understand as to what prejudice respondent No.2 would have against the petitioner so as to manipulate her answer sheet.

This Court, in Writ Petition No. 7439 of 2021, decided on 1st November, 2021, in similar circumstances, has held that such a contention raised by the petitioner regarding manipulation of the OMR answer sheet and consequential re-evaluation deserves to be rejected for the reasons recorded in paragraphs 10, 11 and 12, which read thus:

“10. The above scanned answer sheet bears the roll number of the Petitioner, her test booklet number, her name, the name of her parents, her left thumb impression, the signature of invigilators with time and the declaration which admittedly bears her signature and reads thus :

"DECLARATION BY CANDIDATE:

I declare that particulars and signature on this OMR Answer Sheet are mine and are same as in Attendance Sheet. I further declare that particulars filled in and signature as well as the circles darkened on this ORIGINAL Copy is same as in OFFICE Copy.

Sd/-1.55pm Signature with time and running handwriting.”

11. With all the above admitted material on the scanned answer-sheet, we are not willing to accept that the answers on the scanned OMR answer-sheet are not correct only because the Petitioner states that the answers circled by her on the question paper retained by her has different answers. It cannot be ruled out that any student can fill up the test booklet (question paper) at home and after filling up the correct answers in the manner they desire, on the strength of such markings on the question paper/test booklet, come forward and contend that the answers on the scanned copy of the OMR are incorrect, since the answers on the answer paper retained by the student does not match with the answers/markings which the candidate has made/carried out on the test booklet. If this is allowed, surely we will be opening the flood gates for students to come forward and register their grievance that their answer-sheet does not bear the answers which they had marked on their test booklet/question paper, despite the fact that the

scanned answer sheet bears in their own handwriting, the roll number, test booklet number, their name, the names of their parents, their signatures on the declaration, along with the timing, all of which are undisputed in this case by the Petitioner. In the case of Rithu Sibi (supra) relied upon by the Petitioner, the petitioner had alleged that her signature was manipulated, the roll number of the petitioner in the numerical did not tally with the bubbled portion, the name of the petitioner's mother and father was not written by the petitioner, the name of the petitioner's mother is Mini John C., however in the OMR Sheet it is shown as Mini Johna C., the writing in the OMR Sheet is not that of the petitioner. It is under such circumstances that the Learned Single Judge of the Kerala High Court directed an enquiry/investigation in the matter. The facts in the present case are completely different as compared to the case of Rithu Sibi (supra).

12. In view of the above, we are not inclined to grant the reliefs as sought by the Petitioner in exercise of our extraordinary jurisdiction under Section 226 of the Constitution of India. The above Writ Petition is therefore dismissed."

9. In view of the aforesaid Clause 4 of the Information Bulletin published by respondent No.2, as also the declaration given by the petitioner in the scanned answer sheet, and in view of the law settled by this Court in the judgments referred hereinabove, we are of the considered opinion that there is no merit in the claim raised by the petitioner vide prayer Clause (c). Accordingly, the writ petition is dismissed.

10. Rule is discharged. No order as to costs.