

(2020) 05 DEL CK 0120

In the Delhi High Court

Case No : Civil Writ Petition No. 2727 Of 2020, Civil Miscellaneous Application
No. 9503 Of 2020

Bhavya Arora

APPELLANT

Vs

Union Of India And Anr.

RESPONDENT

Date of Decision : 26-05-2020

Acts Referred:

Citation : (2020) 05 DEL CK 0120

Hon'ble Judges : Sanjeev Sachdeva, J

Bench : Single Bench

Advocate : Rakesh Malhotra, Dev P. Bhardwaj, Ameesoldo

Final Decision : Dismissed

Judgement

Sanjeev Sachdeva, J

1. The hearing was conducted through video conferencing.
2. Petitioner seeks a direction to respondent No.2 (National Testing Agency) to allow the petitioner to file an application form for participation in NEET (UG)-2020.
3. The case set up by the petitioner is that the respondent No.2 by a public notice dated 02.12.2019 invited online applications for NEET (UG)-2020 to be conducted by it. The last date notified for submitting the online application was 31.12.2019. The date was subsequently extended on 31.12.2019 to 06.01.2020.
4. The case of the petitioner is that the father of the petitioner was unwell from 22.11.2019 to 17.01.2020 and accordingly petitioner could not submit the online application.
5. Subject petition was filed on 27.02.2020.
6. Learned counsel for the petitioner very candidly admits that the father of the petitioner was not suffering from any major ailment and though originally it was

suspected that it was a heart problem, later it transpired that it was a chest allergy.

7. Learned counsel for the petitioner submits that recently by a public notice dated 15.05.2020 the National Testing Agency has extended the date for correction of particulars in the online application form upto 31.05.2020.

8. Learned counsel submits that the National Testing Agency has also by a public notice dated 19.05.2020 extended the last date for submission of online application for JEE (Main), 2020. He prays that similar fresh opportunity should be granted to all students who had not submitted their online application for NEET (UG)-2020 on parity with the extension of time for submission of online application for JEE (Main), 2020.

9. Learned counsel appearing for respondent No.2 submits that the public notice dated 02.12.2020 had very categorically fixed the last date as 31.12.2019 which was subsequently extended to 06.01.2020 and since the petitioner did not submit the online application form, no extension could be granted to the petitioner to submit the online application after the expiry of the stipulated date. She further submits that even otherwise the medical record filed along with the petition does not justify the non submission of the online application within time by the petitioner.

10. She further contends that JEE (Main), 2020 which is a non medical examination cannot be treated at par with NEET (UG)-2020 which is an entrance examination for medical students. She submits that strict guidelines have been laid down by the Supreme Court with regard to filling up of the medical seats. She further submits that in case such an opportunity is granted to the petitioner or any such direction is issued, the entire schedule of examination is likely to get disrupted. She further submits that the examination has now being scheduled for 26.07.2020.

11. Learned counsel further submits that the extension of date for correction of particulars for NEET (UG)-2020 was granted in view of the hardships faced by the aspirants due to COVID-19 pandemic and the lockdown issued by the Government.

12. The public notice dated 02.12.2019 had stipulated the last date for submission of the online application form as 31.12.2019 which was then extended to 06.01.2020. On 06.01.2020 there was no lockdown or pandemic of COVID-19 declared in the country.

13. No valid reason is forthcoming from the petitioner as to why petitioner did not submit the online application prior to 06.01.2020 i.e. the last date for submission of the form. Even the candid admission of learned counsel for the petitioner is that the father of the petitioner was suffering only from chest infection. Even otherwise in terms of the various judgments of the Supreme Court the schedule fixed by the National Testing Agency for filling up the seats

through the process of NEET is not to be interfered with and strict timeline have to be followed for filling up of the medical seats and the course to commence.

14. No valid ground has been furnished by the petitioner as to how the petitioner was prevented from submitting the online application and why an exception should be made in the case of the petitioner for extension of date. Admittedly, petitioner was not prevented from submitting the online application because of any action on the part of the respondents.

15. Reliance placed by learned counsel for the petitioner on the public notice dated 15.05.2020 is misplaced. The public notice dated 15.05.2020 records that various candidates had demanded for correction of their particulars and choice of centre cities in the online application form submitted in view of the COVID-19 pandemic. In view of the lockdown and the pandemic of COVID-19 various students have had to shift their residence and accordingly it would have an effect on the centre cities that have been filled by the candidates in the online application. Accordingly, there is a rationale behind the National Testing Agency permitting the extension of date for correction of the choice of centre cities in the online application forms already submitted.

16. Further parity sought by the learned counsel for the petitioner with JEE (Main), 2020 examination based on the public notice dated 19.05.2020, whereby fresh date for submission of online application has been permitted for the JEE (Main), 2020 is misplaced.

17. Public notice dated 19.05.2020, with respect to JEE (Main), 2020 examination, records that representations were received by Respondent No. 2 - (National Testing Agency) from various Indian students who were scheduled to join colleges abroad that because of the changed circumstances arising out of COVID-19 they were keen to pursue their studies in India.

18. There is a rationale behind the National Testing Agency modifying the schedule for JEE (Main), 2020. In my view, no parity can be drawn between JEE (Main), 2020 which is a non medical course and NEET (UG)-2020 which is for filling up of the medical seats. Further, as pointed out by learned counsel for respondent No.2, the JEE (Main) 2020 examination is an online examination whereas NEET (UG)-2020 is a paper - pen based examination.

19. NEET (UG) - 2020 is now scheduled to be held on 26.07.2020 and any change in the schedule is likely to disrupt the entire examination schedule and the date for filling up of the medical seats and commencement of the course.

20. By way of the present petition and submissions made today, petitioner seeks to enlarge the scope of the Writ Petition which is not permissible. Petitioner had admittedly not submitted the online application form before the cut off date of 06.01.2020 when there was no hardship faced on account of COVID-19 pandemic. Even otherwise, petitioner was not required to submit a physical application form and had to make an online application which could have been

done from any location.

21. I find no merit in the petition and no ground for granting any relief to the petitioner. The petition is accordingly dismissed.

22. Copy of the Order be uploaded on the High Court website and be also forwarded to the Parties through email.