

(2025) 08 DEL CK 0658

In the Delhi High Court

Case No : Letters Patent Appeal No. 490, 495 Of 2025 & Civil Miscellaneous
Application Nos. 46498-46500 Of 2025, 47359-61 Of 2025

National Testing Agency

APPELLANT

Vs

Nishu Maurya & Ors

RESPONDENT

Date of Decision : 06-08-2025

Acts Referred:

Citation : (2025) 08 DEL CK 0658

Hon'ble Judges : Devendra Kumar Upadhyaya, CJ; Sachin Datta, J

Bench : Division Bench

Advocate : Rupesh Kumar, Pankhuri Srivastava, Sarica Soam, Alekshendra Sharma, Aditya Kumar, Gautam Narayan, Udayan Verma, Asmita Singh, Disha Joshi, T. Singhdev, Abhijit Chakravarty, Anum Hussain, Sourabh Kumar, Tanishq Srivastava, Yamini Singh, Vedant Sood, Bhanu Gulati

Final Decision : Disposed Of

Judgement

Sachin Datta, J

CAV 286/2025 in LPA 490/2025

1. Learned counsel for the respondent no.1 enters appearance.

2. Caveat stands discharged.

LPA 490/2025

LPA 495/2025

3. LPA 490/2025 under Clause X of the Letters Patent has been filed on behalf of the National Testing Agency (NTA) assailing the judgment dated 28.07.2025 ('the impugned judgment') passed in W.P.(C) 8483/2025.

4. By virtue of the said judgment, the writ petition filed by respondent no.1 (W.P. (C) 8483/2025) has been allowed, with a direction to the appellant to award 'grace marks' to the writ petitioner, by applying the 'normalization formula'

approved by the Supreme Court in *Disha Panchal and others v. Union of India & Ors.*, (2018) 17 SCC 278.

5. Further, it has been directed that the updated result/scorecard of respondent no. 1 (writ petitioner in W.P.(C) 8483/2025) be communicated to him and uploaded within a period of five days. It has been further directed that the writ petitioner be assigned a supernumerary rank (with a view to ensure that the revised rank of the writ petitioner does not disturb the ranks of other candidates).

6. LPA 495/2025 has been filed by the NTA in a similar context. It assails the impugned judgment dated 29.07.2025 passed in W.P.(C) 8520/2025, whereby the writ petition filed by respondent no.1 has been allowed with a direction to award 'grace marks' to the writ petitioner by applying the 'normalization formula' as resorted to in *Disha Panchal* (supra). The updated result/scorecard of the writ petitioner has been directed to be communicated to her and uploaded within a period of five days. Furthermore, in order to ensure that the petitioner's revised rank does not upset the ranks of other candidates, it has been directed that she be assigned a supernumerary rank.

7. The controversy arose before the learned Single Judge in the context of the grievance raised by the writ petitioners that time was lost during the course of conduct of National Eligibility cum Entrance Test (Undergraduate) 2025 Examination [NEET (UG) 2025 examination], which was attributable to acts of omission and commission by the personnel deployed at the examination venue.

8. It was the specific case of the writ petitioners that, while they were not attributing any malafides to the concerned authorities, the indisputable loss of time suffered by them necessitated that a viable and just methodology be devised to compensate them.

9. It was the case of the writ petitioner in LPA 490/2025 that on 04.05.2025, although the petitioner had reached the examination centre within the stipulated time, disturbances and loss of time took place at the centre due to the failure of biometric verification, as a result of which there was a delay in authentication. Following the failure of biometric verification, the writ petitioner was asked to submit a written undertaking to the Centre Superintendent before entering the hall. The said undertaking reads as under:-

To,

The CS,

Trisha Devi Kanohar, Lal Balika College, Meerut

Date: 04/05/2025

Mam,

Sub: Regarding non acceptance of Aadhar Card Detail.

I Satyanishth (NEET UG -2025) Student is facing difficulty in matching Aadhar

Card. Please let me sit in the exam.

-sd-

(satyanishth)

I will be fully responsible myself for any discrepancies in biometric”.

The entire process resulted in the writ petitioner entering and being seated in the examination hall just in the nick of time, prior to the commencement of the examination at 02:00 PM. During the course of the examination, the writ petitioner was interrupted to undergo Aadhar verification once again and re-submit the undertaking, as a result of which crucial time was lost.

10. The primary contention of the writ petitioner before the learned Single Judge was that there was no justification for the repeated interruptions faced by the writ petitioner, which disrupted the examination process.

11. It is emphasized that any verification could have been carried out after the completion of the examination at 05:00 PM. The disruption caused during the course of the examination was not only arbitrary and unjustifiable but also resulted in grave prejudice to the writ petitioner, given the nature of the examination.

12. The grievance of the writ petitioner in LPA 495/2025 is identical in terms. In the said case also, the writ petitioner alleged similar interruptions and transgressions on the part of the NTA/ examination officials, resulting in a crucial loss of time. Accordingly, compensatory marks were sought.

13. It is noticed that in W.P.(C) 8483/2025 (subject matter of LPA 490/2025), the writ petitioner specifically sought relief for the award of compensatory marks as per the harmonization principle/mechanism/formula laid down by the Supreme Court in Judgment dated 13.06.2018 in Disha Panchal (supra). The relevant prayer is reproduced as under:-

“(c) Issue a writ in the nature of mandamus, order(s) or directions(s) or any appropriate writ directing the National Testing Agency (NTA)/the Respondent No.1 to consider the Petitioner's Representation dtd 07.05.2025 and reminder representation dated 15.06.2025 and award compensatory marks as per the harmonization principle/mechanism/ formula established by the Hon'ble Supreme Court, vide its judgment dated 13.06.2018 passed in W.P. No. 551 of 2018;”

14. In W.P.(C) 8520/2025 (subject matter of LPA 495/2025), the relief sought by the writ petitioner was as under:-

“a. Issue a Writ of Mandamus or any other appropriate writ, order or direction to Respondent No. 1 (NTA) to conduct re-examination of the petitioner.

b. Issue a direction to respondents to compensate for the mental agony and travel and legal expense of the petitioner. or,

c. Pass any such other and further orders as this Hon'ble Court may deem just and proper in the facts and circumstances of the case."

15. As such, unlike in the case of the writ petitioner in W.P.(C) 8483/2025 (subject matter of LPA 490/2025), no prayer seeking award of compensatory marks was made by the writ petitioner in W.P.(C) 8520/2025 (subject matter of LPA 495/2025). Be that as it may, the operative directions in the impugned judgement passed in both these matters, are identical in terms.

16. The impugned judgement assesses the loss of time that was occasioned during the conduct of examination based on a perusal of the CCTV footage, and thereafter applies the methodology/ formula adopted in Disha Panchal (supra) to award 'grace marks'. The loss of time in W.P.(C) 8483/2025 (subject matter of LPA 490/2025) was found to be 03 minutes and 32 seconds. In W.P.(C) 8520/2025 (subject matter of LPA 495/2025), the loss of time was found to be 09 minutes and 45 seconds.

17. In W.P.(C) 8483/2025 (subject matter of LPA 490/2025), the operative directions issued in the impugned judgment are as under:-

"63. Therefore, having regard to the above discussion, this Court finds that the petitioner, having evidently suffered a loss of time amounting to 03 minutes and 32 seconds during the exam due to no fault of his own, deserves to be compensated for the same. Further, similar to the case in Disha Panchal (supra), in the present case as well, relevant factors for ascertaining his deserving compensatory marks have been deduced from the CCTV footage produced. Thus, the normalisation formula laid down in Disha Panchal (supra) can be applied to the present case.

64. Accordingly, the respondent/NTA is directed that the present petitioner shall be awarded grace marks by applying the normalization formula laid down in Disha Panchal (supra) and the updated result/scorecard of the petitioner shall be communicated to him, as well as, uploaded within a period of 05 days. To ensure that the revised rank of the petitioner does not upset the ranks of other candidates, the petitioner shall be assigned supernumerary rank. Illustratively, if the revised rank of the petitioner is falling between the rank 1000 and 1001, he may be assigned rank 1000A.

65. It is made clear that on the basis of revised score and rank, the petitioner shall be eligible to participate in the remaining counselling and it shall not affect the seats already allocated.

66. As a parting note, it may be observed that this Court has come across few individual cases where the candidates suffered loss of exam time for the reason not attributable to them. Constitutional Courts cannot be expected to view CCTV footages, like in the present case, for each such candidate who has been prejudiced on account of loss of exam time for no fault of his. Such cases ought to be examined by a body of experts in a transparent and fair manner which

would carry out the exercise undertaken by this Court in the present case. Accordingly, the respondent no.1/NTA is directed to constitute a standing Grievance Redressal Committee for the said purpose, if not already in place, where aggrieved candidates may approach for redressal of their grievances. The Standing Committee shall also be at liberty to devise a formula more suitable/appropriate for the examination in question.

67. The petition is disposed of in the above terms along with pending applications, if any.”

18. In W.P.(C) 8520/2025 (subject matter of LPA 495/2025), the operative directions are as under:-

“43. In the present case as well, this Court has ascertained the relevant data points requisite for applying the normalisation formula. The total duration of the examination is undoubtedly 180 minutes, while the actual loss of time has been calculated to be a total of 9 minutes 45 seconds by examining the CCTV footage. The number of questions correctly attempted by the petitioner, as stated by the NTA, is 123 and the incorrect attempts are 20 questions. Thus, the total number of questions attempted by the petitioner is 143. The respondent no.2/NTA, alongwith its counter affidavit, has also filed the scorecard of the petitioner wherefrom it is borne out that her original marks are 472 out of the total of 720.

44. In view of the above, respondent/NTA is directed that the present petitioner shall be awarded grace marks by applying the normalization formula laid down in Disha Panchal (supra) and the updated result/scorecard of the petitioner shall be communicated to her, as well as, uploaded within a period of 05 days. To ensure that the revised rank of the petitioner does not upset the ranks of other candidates, the petitioner shall be assigned supernumerary rank. Illustratively, if the revised rank of the petitioner is falling between the rank 1000 and 1001, she may be assigned rank 1000A.

45. It is made clear that on the basis of revised score and rank, the petitioner shall be eligible to participate in the remaining counselling and it shall not affect the seats already allocated.

46. The petition is disposed of in the above terms along with pending applications, if any.”

19. Learned counsel for the appellant has contended as under:-

i. Reliance upon the judgment in Disha Panchal (supra) for the purpose of adjudicating the writ petitions (W.P.(C) 8483/2025 and W.P.(C) 8520/2025) was completely misconceived, inasmuch as Disha Panchal (supra) pertains to a Computer Based Test (CBT) which is quite distinct from the pen and paper OMR based examination of NEET (UG).

ii. It is emphasized that the concerned examinees / writ petitioners arrived later than the scheduled time, and their biometric verification could not be completed

due to the locking of their Aadhar authentication. It is submitted that the use of Aadhar based biometric authentication was at the option of the concerned candidates. It is further emphasized that the appellant cannot, in any manner, be held responsible for the delay in biometric authentication caused by the "locking" of biometrics for Aadhar authentication. It is submitted that such locking is evident from the report of an independent agency viz. "Innovatiview India Limited".

iii. It is pointed out that there is no reason to doubt the authenticity of the said report, inasmuch as it clearly reveals all the technical details in respect of the repeated attempts at biometric authentication.

iv. It is submitted that the application of the formula used in Disha Panchal (supra) results in unintended and disproportionate consequences, particularly for candidates who have obtained high scores in the examination (without any compensatory marks).

v. The distinct nature of the NEET (UG) examination, as compared to the CLAT examination (in the context of which the Disha Panchal judgment was rendered) has also been emphasized.

vi. It is pointed out that, as per the CCTV coverage itself (on the basis of which the impugned judgment reckons the alleged loss of time), it is apparent that the writ petitioner is seen not attempting any questions in the last few minutes of the examination. It is submitted that the writ petitioner in W.P.(C) 8483/2025 chose to attempt only 156 questions, out of which 137 questions were answered correctly and 19 questions were answered incorrectly. Likewise, in the context of W.P.(C) 8520/2025, the writ petitioner answered 143 questions, out of which 123 questions were answered correctly and 20 questions were answered incorrectly.

20. Learned senior counsel for respondent no.1 (writ petitioners) has strenuously sought to justify the findings and directions in the impugned judgment dated 28.07.2025 in LPA 490/2025 and impugned judgment dated 29.07.2025 in LPA 495/2025. It is emphasized that the writ petitioners are diligent, hardworking students who have persevered to achieve higher rank in the NEET (UG) 2025 examination.

21. It is submitted that in order to compensate the writ petitioners for the loss of time occasioned for no fault of their own, it is imperative to apply the normalization principle as laid down in Disha Panchal (supra). It is pointed out that this principle was followed by the High Court of Bombay in Vaishnavi Sandeep Maniyar v. The Central Board of Secondary Education & Others, (2018) SCC Online Bom 8455.

22. Attention is drawn to the fact that the SLP assailing the judgment in Vaishnavi Sandeep Maniyar (supra) was dismissed by the Supreme Court vide order dated 21.06.2018 passed in S.L.P. (C) No. 15771/2018.

23. It is submitted that the normalization principle formulated in Disha Panchal

remains the prevailing law and has not been disapproved in any subsequent judgment. Consequently, it is contended that the impugned judgment is perfectly justified in applying the same to the facts and circumstances of the present cases.

24. It is sought to be urged that the judgment/order dated 13.06.2024 of the Supreme Court in Alakh Pandey v. National Testing Agency and Another, 2024 SCC OnLine SC 1922, was based on the peculiar facts and circumstances surrounding the NEET (UG) 2024 examination as well as the report of the concerned High-Powered Committee, which referred to the "skewed situation" that was specific to the factual conspectus involved in that case. As such, the said judgment does not detract from the applicability of Disha Panchal (supra).

25. Lastly, it is emphasized by the learned senior counsel for the respondents that the allegations regarding locking of the biometric by the Aadhar Holders (writ petitioners) is factually misconceived. It is vehemently contended that the writ petitioners did not lock their Aadhar or their biometric verification.

ANALYSIS AND CONCLUSION

26. At the outset, it is noticed that the information bulletin for NEET (UG)-2025 clearly prescribes as under:-

"Chapter 11: Instructions to be followed in the Examination Hall

11.1 The Examination Centre will be opened three (03) hours before the commencement of the test. No candidate shall be allowed to enter the Examination Centre after 1:30 pm. Therefore, candidates must ensure that they leave home well in advance considering all facts like traffic, location of the Centre, weather conditions, etc. Candidates are expected to take their seats immediately after the opening of the Examination Hall.

Date of Examination

04 May 2025 (Sunday)

* Timing and Duration of Examination

02.00 pm to 05.00 pm (Indian Standard Time) (3hours)

* Last Entry to the Examination Centre

01.30 pm

* Sitting on the seat in the Examination

Hall/Room

01.15 pm onwards

* Announcement of Important Instructions and checking of Admit Cards by the Invigilator

01.30 pm to 01.45 pm

* Distribution of Test Booklet by the Invigilator

01.45 pm

* Writing of particulars on the Test

Booklet by the candidate

01.50 pm

* Test Commences

02.00 pm

* Test Concludes

05.00 pm

(6:00 PM for eligible PwD/PwBD candidates)

*** **

11.4 During the examination time, the Invigilator will check Admit Card of the candidates to ascertain the identity of each candidate. The Invigilators will also put their own signature in the place provided in the Answer Sheet and on the Attendance Sheet.

11.5 A candidate who comes after 01.30 pm shall not be permitted to enter the Examination Centre under any circumstances.

11.6 Candidates must bring ONLY the following documents on the day of the examination at the test centre. Candidates who will not bring these will not be allowed to sit in the examination.

* A printed copy of Admit Card downloaded from NTA website with passport size photograph (same as uploaded on the Application form pasted on it)

* One passport size photograph (same as upload on the Online Application Form) for pasting on the specific space in the Attendance Sheet at Centre during NEET (UG) – 2025 Examination.

* One Post Card Size (4"X6") color photograph with white background should be pasted on the Proforma downloaded with the Admit Card.

* Any one of the authorized photo IDs (must be original and valid and like PAN card/Driving License/Voter ID/Passport/Aadhaar Card/Ration Card/Class 12 Admit Card with Photograph/any other valid photo ID issued by the Government).

* Certificate of physical limitation to write and/or PwBD certificate issued by the Competent Authority, if claiming the relaxation under PwBD category.

27. The admit card issued to the writ petitioner in W.P.(C) 8483/2025 (subject matter of LPA 490/2025) is as under:-

Reporting / Entry Time at Centre

11.00 A/M. (IST)

Gate Closing Time of

Centre

01.30 P.M. (IST) Sharp

Timing of Examination

02.00 PM to 05.00 PM (IST)

Test Centre Number

4409206

Test Centre Name

TRISHLA DEVI KANO HAR LAL BALIKA INTER COLLEGE SHARDA
ROAD

BRAHAMPURI MEERUT

Test Centre Address

(Venue of Test)

SHARDA ROAD BRAHMPURI DELHI ROAD

MEERUT-250002

SENIOR DIRECTOR - NTA

SELF DECLARATION (UNDERTAKING)

I, SATYA NISHTH, resident of HOUSE NUMBER-100, GROUND FLOOR
SECTOR III A RACHNA VAISHALI, GHAZIABAD GHAZIABAD UTTAR

PRADESH 201010, do hereby declare the following:

1. I have read the instructions, Guidelines, Information Bulletin,
Instructions and Notices related to this examination available on the website
<https://neet.nta.nic.in/> and www.nta.ac.in

2. I have read the detailed 'IMPORTANT INSTRUCTIONS FOR CANDIDATES' as
given on Page-3 and I undertake to abide by the same.

Candidate's Photo (Same as uploaded on the Application Form to be
affixed before

reaching the Centre)

Candidate's left- hand thumb impression (To be affixed before
reaching the Centre)

Candidate's Signature (To be signed on the Day of Examination in the presence of the invigilator only)

The above undertaking has to be filled up in advance before reaching the Centre, except for the candidate's signature which has to be affixed in the presence of the invigilator.

"True Copy"

Application Number: 250411373589 IP Address: 122.161.77.192 Date and Time: 30/04/2025 04:31:01 PM [Page 1 of 3]

28. Likewise, the relevant admit card issued to the writ petitioner in W.P.(C) 8520/2025 (subject matter of LPA 495/2025) is as follows :-

Test Details

Question Paper

Medium

Hindi

Date of

Examination

04.05.2025

Reporting / Entry

Time at Centre

11.00 A/M. (IST)

Gate Closing Time

of Centre

01.30 P.M. (IST) Sharp

Timing of

Examination

02.00 PM to 05.00 PM (IST)

Test Centre

Number

4404202

Test Centre Name

M.M.H.V. INTER COLLEGE

Test Centre

Address (Venue of Test)

WEST MODEL TOWN, DAYANAND NAGAR, GHAZIABAD- 201001

SENIOR DIRECTOR - NTA

SELF DECLARATION (UNDERTAKING)

I, NISHU MAURYA, resident of J-201 2ND FLOOR NEAR SANTOSH MEDICAL COLLEGE SECTOR-12, PRATAP VIHAR GHAZIABAD UTTAR PRADESH

201009, do hereby declare the following:

1. I have read the instructions, Guidelines, Information Bulletin, Instructions and Notices related to this examination available on the website <https://neet.nta.nic.in/> and www.nta.ac.in

2. I have read the detailed "IMPORTANT INSTRUCTIONS FOR CANDIDATES" as given on Page-3 and I undertake to abide by the same.

Candidate's Photo (Same as uploaded on the Application Form to be affixed before reaching the Centre)

Candidate's left-hand thumb impression (To be affixed before reaching the Centre)

Candidate's Signature (To be signed on the Day of Examination in the presence of the invigilator only)

The above undertaking has to be filled up in advance before reaching the Centre, except for the candidate's signature which has to be affixed in the presence of the invigilator.

"True Copy"

Application Number: 250410895332 IP Address: 103.170.81.240 Date and Time: 30/04/2025 05:23:12 PM [Page 1 of 3]

29. The following is evident from the perusal of the above:-

i. The reporting/entry time, as intimated to the concerned candidates, was 11:00 AM (IST).

ii. The last entry to the Examination Centre was at 01:30 PM.

iii. It was specifically provided that during the examination, the Invigilator would check the admit card of the candidates to ascertain their identity.

iv. Importantly, the choice of the identity card that would be used for the purpose of establishing the identity of the candidate was pursuant to the candidate's own volition / choice in this regard. If so desired, candidates were free to opt for any other proof of identity [such as Pan Card, Driving License, Passport etc.] instead

of 'Aadhar card'.

30. In LPA 490/2025, the learned counsel for the appellant contends that the concerned candidate arrived only by 01:34:11 PM, which was past the prescribed deadline. On the other hand, the writ petitioner claimed that he had arrived at the examination centre at 01:20 PM.

31. Likewise, (in LPA 495/2025), learned counsel for the appellant contends that the concerned candidate entered the examination centre only at 01:58 PM. However, it is the case of the writ petitioner that she reached the examination centre at 01:00 PM.

32. It appears quite evident that the writ petitioners did not strictly adhere to the reporting time [11:00 AM] referred to in the admit cards issued to them and arrived at the examination venue shortly before the prescribed outer deadline for last entry. Even as per the case of the writ petitioners themselves, they reached the Examination Centre just prior to the said deadline.

33. There is some merit in the contention of the learned counsel for the appellant that the same indicates a lack of diligence on the part of the concerned examinees. However, this aspect is not determinative of the controversy involved in the present case, inasmuch as the concerned examinees/petitioners were allowed to sit for the examination upon furnishing an undertaking, while their biometric authentication remained pending.

34. What is important is that the concerned technical agency (Innovatiview India Limited) has provided a detailed report indicating that the difficulty in biometric authentication of the concerned examinees/petitioners was on account of "biometrics locked by the Aadhar Holder". The relevant report, in the context of W.P.(C) 8483/2025 (subject matter of LPA 490/2025) reads as under:-

"Dated: 04.07.2025

REPORT

The work of biometric authentication of the candidates at the exam centers of NEET (UG) 2025 was assigned to our Company, Innovative View India Ltd. By the National Testing Agency (NTA). Accordingly, a Biometric Team had been deployed by our Company at the Exam Center No. 4409206: Trishla Devi Kanohar Lal Ballia Inter College, Sharda Road Braham Puri, Meerut, UP, for carrying out biometric authentication of candidates for NEET-UG 2025 Examination.

We have verified the records of biometric authentication of the candidates at the aforesaid Center. As per the biometric authentication process, the candidate produces his/her Admit Card from which the Roll No. of the candidate is captured and the fingerprint (thumb impression) of the candidate is also captured. The biometric (fingerprint) in encrypted form along with the roll no. is sent to our server where roll no. is translated into corresponding UID Token which in turn is sent to UIDAI Server (CIDR) via ASA/AUA (RAILTEL) for authentication. UIDAI

responds with authentication status as "success" or "Failure" along with error code. The error codes are generic and universal and explicitly mention the reason for failure.

The same procedure was followed for the Candidate with Roll No. 4409206205 at the above-mentioned Center. This Roll No. was provided by NTA in respect of the candidate: Mr. Satya Nishth. On capturing the biometrics of this candidate by our biometric staff as per the above process between 01:36 PM – 01:41 PM on 04.05.2025 before his entry to the examination room, the biometric authentication response obtained from UIDAI Server failed three times with error code "330" stating "Bio metrics locked by Aadhaar holder". The log of biometric authentication transactions in respect of above-mentioned roll no./ candidate is annexed herewith for reference along with Non-Aadhaar biometric enrollment saved in our records.

In order to ensure that the candidate is not put in inconvenient situation, he was allowed by the examination authority at the center to go to the examination hall.

Since, the Aadhaar based biometric authentication of this candidate was not successful before the examination commenced as the biometric was locked by the Aadhaar holder, the photograph of the candidate was digitally captured outside the exam room around 03:07 PM.

As mentioned above, as per the UIDAI Standard Protocol when the biometric authentication transaction fails, an error message is received which gives reason for failure. In this case, the error message "330" was received every time. The error message "330" corresponds to "Biometrics locked by Aadhaar holder". Hence, the biometric authentication of the candidate: Satya Nishth with the Roll No. 4409206205 could not be completed, as the candidate had locked his biometrics for Aadhaar authentication. At no point of time during the examination, the candidate had informed that his biometrics are locked"

35. The relevant report in the context of W.P.(C) 8520/2025 (subject matter of LPA 495/2025) reads as under:-

"Dated: 07.07.2025

REPORT

The work of biometric authentication of the candidates at the exam centers for NEET (UG) 2025, was assigned to our Company, Innovatiview India Ltd. by the National Testing Agency (NTA). Accordingly, a Biometric Team had been deployed by our Company at the Exam Center No. 4404202: M.M.H.V. Inter College, West Model Town, Dayanand Nagar, Ghaziabad, UP, for carrying out biometric authentication of candidates for NEET-UG 2025 Examination.

We have verified the records of biometric authentication of the candidates at the aforesaid Center. As per the biometric authentication process, the candidate produces his/her Admit Card from which the Roll No. of the candidate is captured

and the fingerprint (thumb impression) of the candidate is also captured. The biometric (fingerprint) is encrypted from along with the roll no. is sent to our server where roll no. is translated into corresponding UID Token which in turn is sent to

UIDAI Server (CIDR) via ASA/AUA (RAIL TEL) for authentication. UIDAI responds with authentication status as "success" or "Failure" along with error code. The error codes are generic and universal and explicitly mention the reason for failure.

The same procedure was followed for the Candidate with Roll No. 4404202248 at the above-mentioned Center. This Roll No. was provided by NTA in respect of the candidate: Ms. Nishu Maurya. On capturing the biometrics of this candidate by our biometric staff as per the above process, the biometric authentication response obtained from UIDAI server failed with error code "330" stating "Biometrics locked by Aadhaar holder".

In order to ensure that the candidate is not put in inconvenient situation, she was allowed by the examination authority at the center to go to the examination hall.

Since the biometric of this candidate had failed while conducting it before the examination commenced, another attempt was made during the examination at about 13 minutes into the examination. There also the biometric authentication failed with the same error code. The log of biometric authentication transactions in respect of above-mentioned roll no./candidate is annexed herewith for reference. The log shows that multiple authentication attempts were made between 02:13 PM – 02:20 PM. In all these attempts, the biometric authentication failed in respect of the said roll no./candidate.

As mentioned above, as per the UIDAI Standard Protocol when the biometric authentication transaction fails, an error message is received which gives reason for failure. In this case, the error message "330" was received every time. The error message "330" corresponds to "Biometric locked by Aadhaar holder". Hence, the biometric authentication of the candidate with the roll no. 4404202248 could not be completed as the candidate had locked her biometrics for Aadhaar authentication. At no point of time during the examination, the candidate had informed that her biometrics are locked."

36. The conclusions drawn in the above reports are vehemently denied by the learned counsel for the writ petitioners (respondent no.1 in these proceedings). However, the impugned judgment does not render any finding on the issue as to whether the writ petitioners had locked their biometric authentication, which caused the technical issue.

37. There is no material on record in these proceedings to discredit the above reproduced reports submitted by the concerned technical agency. It is further noticed that the report is supported by relevant technical particulars (Annexure 1 to the said reports).

38. In this background, there is merit in the contention of the learned counsel for the appellant that the difficulty in the biometric authentication of the concerned candidates in the present cases was attributable to the conduct of the concerned examinees (writ petitioners) themselves.

39. Apart from the above aspect, there is also merit in the contention of the learned counsel for the appellant that the judgment in Disha Panchal (supra) was rendered in a completely different context, and the dispensation created thereunder cannot be extended to the present case.

40. The judgment in Disha Panchal (supra) was rendered in the context of the Common Law Admission Test (CLAT-2018). It was found by the Supreme Court in Disha Panchal (supra) that the conduct of the said examination was fraught with various imperfections, which were noticed by the Court as under :-

"15. The CLAT of 2018 was fraught with various imperfections. The major defects found are categorised as follows:

(i) The majority of complaints relate to failure of initial login. Multiple login appears to have affected the performance of the system. Software and hardware efficiency will depend upon server capacity and efficacy. Under Clause 8, para 8, of Annexure XII, the Service Provider was duty-bound to provide trouble-free software. Common defect of initial login failure must have arisen from the hardware, software or network deficiencies.

(ii) Conduct of a test of this magnitude without providing efficient software and computers to the candidates has resulted in avoidable interruptions in answering questions.

(iii) Infrastructural defects like want of/failure of the air conditioning systems which stood in the way of the best performance of students in many centres in the examination conducted at the peak of summer.

(iv) Power failure which affected many centres has resulted in loss of time and disturbance to the concentration of mind required for a smooth performance in a competitive test.

(v) Failure of invigilators to facilitate relogin which is essential for availing the benefit of extended time granted to compensate for lost time arising from power failure, system hanging, etc.

(vi) Failure to grant extended time even in cases where the first login attempt failed or in the subsequent attempt(s) the time obtained is lower than what is prescribed, though such reduction was only marginal."

41. Thus, Disha Panchal (supra) dealt with the loss of examination time due to Invigilator related mismanagement, software difficulties, inefficient software resulting in avoidable interruptions, infrastructural defects, failures / deficiencies on the part of the Invigilators.

42. Importantly, since the CLAT-2018 examination was conducted in CBT mode, there was documentary proof of the precise time loss. In contrast, in the present case, examination was conducted in pen and paper mode (OMR based examination). Furthermore, the grievance of the writ petitioners relates to delays caused by Aadhar based biometric authentication, a systemic security protocol, that is, integral to the conduct of NEET to prevent impersonation. The difficulty in biometric verification cannot be equated with Invigilators' negligence and the other infrastructural shortcomings involved in Disha Panchal (supra).

43. Disha Panchal (supra) permits the awarding of marks based on a measurable and provable loss of examination time. However, delays due to biometric authentication (of the kind encountered by the writ petitioners) are non-standardized and varied, making it impossible to quantify their impact. Such lack of precision renders 'normalization' arbitrary and unscientific.

44. The impugned judgment itself notes that the extent of time loss was ascertained based on a perusal of the CCTV footage.

45. It is also noticed that the methodology adopted in Disha Panchal (supra) was intended as a compensatory adjustment based on proven time loss. However, in the present case, the said mechanism has been extended for the purpose of giving "grace marks", which arguably distorts merit and goes beyond the scope of Disha Panchal (supra).

46. It is also relevant to note that, in the context of the NEET (UG)-2024 examination, the Supreme Court, in its judgment/order dated 13.06.2024, passed in Alakh Pandey (supra), relied upon the report of the High-Powered Committee [Comprising of –(i) Prof. Pradeep Kumar Joshi, Chairman, NTA and – Chairperson Former Chairman (UPSC) (ii) Prof. T C A Anant, Former Chief Statistician of – Member India (CSI) & Secretary, Ministry of Statistics and Program Implementation and Former Member of UPSC (iii) Prof. C B Sharma, Former Chairman, National – Member Institute of Open Schooling (NIOS). (iv) Dr. (Prof.) B. Srinivas, Secretary, National Medical – Member Commission (NMC) and DDG (DGHS)] which referred to the "skewed situation" arising from the application of methodology evolved in Disha Panchal (supra) for the purpose of awarding "compensatory marks". The High Powered Committee also observed that, unlike the CBTs, OMR based examinations do not have an automated system for time assessment (i.e., timestamps of the candidates' activities during the examination).

47. The "skewed situation" referred to in the said report of the High-Powered Committee arose on account of the regime of compensatory marks being made applicable to "the number of un-attempted questions only".

48. In the present case as well, the compensatory mechanism/formula has been ordered to be applied by taking into account the success rate of the concerned examinee/s (writ petitioners) in respect of the attempted questions and applying the same to the unanswered questions, also factoring in the alleged time lost

during the conduct of the examination.

49. The Supreme Court in *Alakh Pandey* (supra) accepted the report of the High-Powered Committee and the recommendations made therein, which were to the following effect:-

"8. After examining all the aspects of the situation in totality, this committee concludes that the most appropriate, fair, and reasonable solution to the issue would be subjecting those 1563 candidates to a retest at the earliest possible. This Committee therefore considers it most appropriate to recommend as under:

(i) The Score Cards of all affected (1563) candidates issued on 04.06.2024 will stand cancelled and thus withdrawn. The affected 1563 candidates will be informed of their actual Scores (without compensation), through their registered email IDs.

(ii) A re-examination will be conducted for the affected candidates (1563). The directions of re-examination passed by Courts in individual cases will also be included by NTA.

(iii) The result of those affected candidates (1563) who do not wish to appear for the re-examination, will be declared based on their actual marks (without compensation) obtained in the examination conducted on 05.05.2024.

(iv) The marks obtained by the candidates who will appear in the re-test will be considered and their marks based on examination on 05.05.2024 will be discarded."

50. Thus, the applicability of the *Disha Panchal* (supra) methodology in the context of alleged hindrances/interruptions during the conduct of the NEET examination was found to be inapposite by the Supreme Court in *Alakh Pandey* (supra).

51. Also, unlike in *Alakh Pandey* (supra), the possibility of a re-examination for the concerned examinees (writ petitioners) is precluded on account of: (i) passage of time; and (ii) the statement of the learned senior counsel for the writ petitioners to the effect that they are not desirous of appearing in any re-examination. Moreover, a re-examination would, in any case, be fraught with difficulties, as it may give rise to multifarious allegations/controversies viz. with regard to the standards of (re)examination, impact on candidates who have already secured a particular rank based on the results of the examination already declared etc.

52. Thus, there is no controversy that holding of re-examination for the writ petitioners, is no longer an available option in the facts and circumstances of the present cases.

53. Equally, it is wholly incongruous to apply the *Disha Panchal* principle in view of the facts and circumstances enumerated above.

54. The judgment of the Bombay High Court in the case of Vaishnavi Sandeep Maniyar (supra) relied upon by the learned senior counsel for the respondent no.1 was in a completely different conspectus. In that case, it was established that the concerned examinees were permitted to start writing their answer papers only at 10:30 AM instead of 10:00 AM. The relevant facts in this regard have been taken note of in paragraph 4[4. The petitioner appeared for NEET UG-2018 examination held on 6-5-2018 from 10:00 a.m. to 1:00 p.m. The petitioner claims that though the time of examination started at 10:00 a.m. and the candidates were entitled to start writing the answer papers from 10:00 a.m., the respondent No. 4/Invigilator supervising class room No. 39 where the petitioner was allotted the seat, had not permitted the candidates in that room (about 24 in number) to start writing the answer papers from 10:00 a.m. and those 24 candidates of class room No. 39 were permitted to start writing the answer papers at about 10:30 a.m. According to the petitioner, as the examination was of three hours, she carried impression that the candidates in class room No. 39 (including the petitioner) would be given time till 1:30 p.m. to complete writing of the answer papers however, the respondent No. 4/Invigilator had asked the candidates of class room No. 39 to stop writing at 1:00 p.m, and the answer sheets were taken. The petitioner claims that as she lost 30 precious minutes, the respondent No. 1/Board be directed to conduct an enquiry on the complaint of the petitioner that the candidates of class room No. 39 are not given three hours time to write the papers. The petitioner has further prayed that the respondent No. 1/Board be directed to grant appropriate proportionate marks to the petitioner. Alternatively, it is prayed that the respondent No. 1/Board be directed to conduct re-examination of the petitioner] of the said judgment. The Court unequivocally found that the petitioner therein was given only 150 minutes instead of 180 minutes to write the answer paper[16. After assessing the material on record and going through the report submitted by the Sub-Divisional Officer, we find substance in the complaint made by the petitioner. It being so, she has to be compensated. We accept the claim of the petitioner that she was given only 150 minutes instead of 180 minutes to write the answer paper]. The Court was not required to embark upon the subjective exercise of perusing CCTV footage to assess individual delays / time lost on account of difficulty in biometric authentication and / or technical glitches.

55. There is also a larger issue that concerns the Court viz. the chaotic consequences of extending 'marks improvisation' for individual delays in biometric authentication for reasons not attributable to the testing agency. Such an approach would open the floodgates to claims by candidates who experienced even minor technical delays in biometric authentication.

56. Any such delay, besides being not attributable to the appellant, is not scientifically measurable, unlike in the case of Disha Panchal (supra).

57. The entire process of scrutinizing unverifiable claims based on visual perusal and extrapolation from CCTV coverage, and seeking to translate the same into

'improvisation marks', is an exercise that is inherently subjective. Undoubtedly, the same would undermine the finality and legitimacy of the results of the examination.

58. Moreover, biometric verifications are part of the mandatory security process, which ensure the integrity of the examination by preventing impersonation. Granting marks for delays in the process of biometric verification, that too for no fault of the appellant, would not be a justifiable course to follow.

59. It has been rightly pointed out by the learned counsel for the appellant that NEET is a single, all India Merit Based Examination with lakhs of aspirants/examinees. Granting even fractional 'grace marks' disrupts the inter se rankings, thereby impacting admission allotment across the country. The impugned judgment in the present case directs as under:-

"To ensure that the revised rank of the petitioner does not upset the ranks of other candidates, the petitioner shall be assigned supernumerary rank. Illustratively, if the revised rank of the petitioner is falling between the rank 1000 and 1001, he may be assigned rank 1000A".

60. The concept of "supernumerary rank" has no basis in the extant examination regulations. The insertion of a supernumerary rank, though intended to safeguard the rights of other candidates, in substance alters the inter-se-merit between candidates. Counselling and seat allocation in NEET (UG) functions on a rigid rank regime. Inserting an additional rank, even with a suffix, would affect the inter-se cut off thresholds and the allocation sequence, thereby impacting the rights of other candidates. The assumption that assigning a supernumerary rank does not disturb the existing merit structure, is tenuous. In the case of the writ petitioner in W.P.(C) 8483/2025 (subject matter of LPA 490/2025) it can be seen that on implementation of the directions contained in the impugned judgment, the marks of the writ petitioner increase from 529 to 540. The NEET All India rank increases from 24986 to 17595.5[Copy of Email Communication dated 02.08.2025 of National Testing Agency (NTA) with revised Score Card of respondent no. 1. (Document handed over in the Court during the course of proceedings on 04.08.2025 by respondent no. 1.)]. In effect, the writ petitioner is placed ahead of thousands of other candidates (vis-a-vis his original rank).

61. Undoubtedly, with the benefit of hindsight, it can be stated that it may have been prudent for the writ petitioners to arrive at the examination venue at the reporting time mentioned on the admit card so that the technical glitches regarding their biometric authentication could have been resolved prior to commencement of the examination. Equally, it may have been prudent for the officials at the examination centre to refrain from interrupting the examinees / writ petitioners during the course of the examination and instead wait till 05:00 PM (prescribed time for completion of the examination) before resuming the biometric authentication exercise. However, at this stage, it would be imprudent to seek to 'calculate' the extent of time lost in individual cases, through visual

impression gathered by perusing the CCTV coverage, and then proceeding to work out "improvisation marks / grace marks".

62. In the circumstances, this Court does not find the Disha Panchal (supra) methodology to be applicable / appropriate in the present cases.

63. Consequently, the directions in the impugned order to the effect that the writ petitioners be awarded 'grace marks' by applying 'normalization formula' laid down in Disha Panchal (supra), and the other consequential directions, are set aside.

64. However, the appellant is directed to streamline the biometric processes for the conduct of future examinations. Further, this Court agrees with the directions contained in paragraph 66 of the judgment in W.P.(C) 8483/2025 (subject matter of LPA 490/2025) to the effect that it would be apposite for the NTA to constitute a Grievance Redressal Framework to examine the complaints / grievances of candidates, in the first instance, in a time bound manner.

65. The present appeals, along with pending applications, are disposed of in the above terms.