



CGHC010291322026



2026:CGHC:32803-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 3949 of 2026

Aryan Agrawal S/o Late Shri Sitaram Agrawal Aged About 17 Years
Minor Represented Through Legal Guardian And Father- Kishore
Agrawal Son Of Late Shri Sitaram Agrawal, Aged About 53 Year,
Resident Of 3-A Maitri Vihar, Radhika Nagar, Bhilai, District- Durg (C.G.)

... Petitioner(s)

versus

1 - National Testing Agency (NTA) Central Board Of Secondary
Education (CBSE), Through Its Director (NEET), Shiksha Kendra- 2,
Community Center, Preet Vihar, Delhi- 110092

2 - National Eligibility Cum Entrance Test (NEET) Unit Central Board Of
Secondary Education (CBSE), Through Its Director (NEET), Shiksha
Kendra- 2, Community Center, Preet Vihar, Delhi- 110092

3 - The Director National Eligibility Cum Entrance Test (NEET) Unit,
Central Board Of Secondary Education (CBSE), Shiksha Kendra- 2,
Community Center, Preet Vihar, Delhi- 110092

4 - The Deputy Secretary National Eligibility Cum Entrance Test (NEET)
Unit, Central Board Of Secondary Education (CBSE), Shiksha Kendra-
2, Community Center, Preet Vihar, Delhi- 110092

5 - The Assistant Director General (ME) Directorate Of General Of
Health Services, Nirman Bhawan, New Delhi- 110108

... Respondent(s)

For Petitioner : Mr.Gautam Khetrapal, Advocate

For Respondents : Mr.P.R.Patankar, Advocate

No. 1 to 4

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

30.07.2026

1. Heard Mr.Gautam Khetrapal, learned counsel for the petitioner as well as Mr.P.R.Patankar, learned counsel appearing for respondents No.1 to 4.
2. By way of this petition, the petitioner has prayed for following reliefs:-

“10.1 That, this Hon'ble Court may kindly be pleased to call the records of the case from the respondent no. 1.

10.2 That, this Hon'ble Court may kindly be pleased to issue an appropriate writ, thereby directing the respondents to supply/provide the original OMR sheet of petitioner of NEET (UG) Examination-2026 to the petitioner, forthwith.

10.3 That, this Hon'ble Court may kindly be pleased to direct the respondents to award proper marks to the petitioner according to his original OMR sheet of NEET (UG) Examination-2026.

10.4 Any other relief deemed fit in the present facts and circumstances of this case may also be awarded to the petitioner.”

3. Facts of the case are that the petitioner is a bright and meritorious student, having secured 93.83% marks in the Class-X Examination and 80.20% marks in the Class-XII Examination conducted by the Central Board of Secondary

Education (CBSE). Copies of the mark sheets of Class-X and Class-XII have been filed along with the petition. The petitioner intended to pursue admission to the MBBS course and, therefore, applied for the NEET (UG)-2026 Examination. Initially, the examination scheduled to be conducted was cancelled on account of the alleged paper leak. Thereafter, the examination was rescheduled, and the petitioner again submitted his online application form to appear in the rescheduled NEET (UG)-2026 Examination.

4. Pursuant thereto, the respondent authorities issued an admit card in favour of the petitioner for appearing in the NEET (UG)-2026 Examination, which was conducted on 21.06.2026. The petitioner was allotted Roll No. 1701105387 and an examination centre at Government V.Y.T. Post Graduate Autonomous College, G.E. Road, Near Raipur Naka, District Durg. On the scheduled date, the petitioner appeared in the examination and was allotted Test Booklet Code-70, comprising 32 pages, bearing SUSHRUT No. 265041739. After completion of the examination, the respondent authorities published the final answer key and uploaded the scanned OMR sheets of the candidates. Upon downloading and scrutinizing his scanned OMR sheet, the petitioner found that although the booklet number, roll number and signatures appearing on the OMR sheet were his own, the answers reflected therein were materially different from those actually marked by him during

the examination. On comparison of the answers recorded in the question booklet with those reflected in the scanned OMR sheet, the petitioner noticed several glaring discrepancies.

5. By way of illustration, for Question No. 1, the petitioner had marked Option (4) in the question booklet, which also corresponds with the correct answer as per the final answer key. However, the scanned OMR sheet uploaded by the respondent authorities reflects Option (1) as having been marked. Likewise, for Question No. 2, the petitioner had marked Option (2), which is also the correct answer according to the final answer key, whereas the scanned OMR sheet records Option (4). Similarly, for Question No. 3, the petitioner had marked Option (4), being the correct answer, but the scanned OMR sheet shows Option (2) as marked. According to the petitioner, such discrepancies are not isolated but are found in several answers throughout the OMR sheet.
6. It is the specific case of the petitioner that the scanned OMR sheet supplied by the respondent authorities does not reflect the answers actually marked by him during the examination. The petitioner asserts that he had carefully filled the OMR circles in a proper manner, whereas the scanned OMR sheet uploaded by the respondents contains markings and ink impressions extending beyond the circles, which are wholly inconsistent with his manner of filling OMR sheets. On account

of these apparent discrepancies, the petitioner entertains a bona fide apprehension that his original OMR sheet has been tampered with or altered, resulting in an incorrect evaluation of his performance. Hence, this petition.

7. Learned counsel appearing for the petitioner submits that the action of the respondent authorities in evaluating the NEET (UG)-2026 answer sheet of the petitioner on the basis of a manipulated and tampered OMR sheet is arbitrary, illegal and violative of the rights of the petitioner. It is submitted that the petitioner is a meritorious and hardworking student, who has consistently performed well in academics and secured 93.83% marks in Class-X and 80.20% marks in Class-XII conducted by the Central Board of Secondary Education. Learned counsel submits that the petitioner had appeared in the NEET (UG)-2026 Examination and had carefully attempted the questions in the examination. However, after the publication of the result and upon obtaining the scanned copy of the OMR sheet, the petitioner noticed serious discrepancies between the answers actually marked by him in the question booklet and the answers reflected in the scanned OMR sheet uploaded by the respondent authorities.
8. It is submitted by learned counsel for the petitioner that although the booklet number, roll number and signature appearing on the scanned OMR sheet correspond to the

petitioner, the answers recorded therein do not tally with the answers actually marked by the petitioner in the examination. The petitioner, after comparing the question booklet with the scanned OMR sheet and the final answer key published by the respondents, found that several correct answers marked by him have been replaced with different answers in the scanned OMR sheet, resulting in substantial loss of marks. Learned counsel submits that, for instance, in Question No.1, the petitioner had marked Option (4) in the question booklet, which is also the correct answer as per the final answer key; however, the scanned OMR sheet reflects Option (1) as the answer. Similarly, in Question No.2, the petitioner had marked Option (2), which is the correct answer according to the final answer key, whereas the scanned OMR sheet reflects Option (4). Likewise, in Question No.3, the petitioner had marked Option (4), but the scanned OMR sheet shows Option (2). These discrepancies clearly demonstrate that the answers reflected in the scanned OMR sheet are not the answers actually marked by the petitioner.

9. Learned counsel further submits that, on the basis of the answers actually attempted by the petitioner and the final answer key, he had a reasonable expectation of securing more than 600 marks in the NEET (UG)-2026 Examination. However, due to the alleged manipulation of the OMR sheet, the petitioner has been awarded only 200 marks, which is wholly inconsistent

with his performance and the answers actually attempted by him. It is further submitted that the petitioner is able to identify the OMR sheet filled by him because he has a consistent manner of marking answers in OMR sheets. The scanned OMR sheet supplied by the respondent authorities contains ink marks extending beyond the OMR circles, which is completely inconsistent with the manner in which the petitioner ordinarily fills answer sheets. This creates a genuine apprehension that the original OMR sheet of the petitioner has been altered or tampered with.

10. Learned counsel submits that the petitioner has also appeared in other competitive examinations and, in those examinations, he has properly filled the OMR sheets by accurately marking the prescribed circles. The copies of such OMR sheets placed on record further substantiate the petitioner's contention regarding the improper markings appearing in the scanned OMR sheet supplied by the respondents. It is further argued that immediately after noticing the aforesaid discrepancies, the petitioner, through his parents, submitted e-mail representations dated 15.07.2026 and 20.07.2026 before the respondent authorities requesting them to provide the original OMR sheet for verification and examination of the alleged discrepancies. However, despite such requests, the original OMR sheet has not been supplied to the petitioner till date. Learned counsel therefore submits that withholding the original OMR sheet,

despite a specific request by the petitioner, has prevented him from effectively verifying and establishing the manipulation committed in the evaluation process. Hence, it is prayed that the respondent authorities be directed to produce and supply the original OMR sheet of the petitioner and to undertake appropriate verification of the same so that the petitioner's legitimate grievance may be adjudicated in accordance with law. He relied upon the order passed by the Bombay High Court, Bench at Aurangabad in the matter of **Hricha Prafull Deshpande Minor Thr Guardian Renuna P Deshpande v. The Union of India Thr The Secretary And Others (943 Writ Petition No.8384/2026)** dated 23.07.2026, whereby the Bombay High Court has directed the respondents to produce the petitioners' answer sheets on the next date.

11. On the other hand, learned counsel appearing for respondents No.1 to 4 vehemently opposes the submissions advanced by learned counsel for the petitioner and submits that the present writ petition is not maintainable at this stage, as the petitioner has failed to avail the alternative and efficacious remedy provided under the mechanism prescribed by the respondent authorities. It is contended that the petitioner, before approaching this Court, was required to submit his grievance before the Grievance Redressal Forum constituted for dealing with complaints and objections relating to the NEET (UG)-2026 Examination. However, without invoking the said

statutory/administrative remedy and without allowing the competent authority to examine the alleged discrepancies raised by him, the petitioner has directly approached this Court by way of the present writ petition. Learned counsel further submits that the examination process is conducted under a well-defined procedure and a specific mechanism has been provided for redressal of grievances relating to the question paper, answer key, OMR sheet and evaluation process. The petitioner, having failed to follow the prescribed procedure and having bypassed the grievance redressal mechanism, cannot seek indulgence of this Court in exercise of its extraordinary jurisdiction under Article 226 of the Constitution of India. He relied upon the judgment passed by this Court vide order dated 13.08.2025 in **WPC No.4027 of 2025 (Ku.Amisha Gupta v. Union of India and others)**.

12. We have heard learned counsel for the parties, considered their rival submissions made hereinabove and also went through the documents appended with writ petition.

13. This Court in **Ku.Amisha Gupta** (supra) observed as under:-

“6. On the last date of hearing, this Court vide order dated 08/08/2025, the respondent No.2 was directed to produce the OMR sheet of the petitioner.

7. Pursuant to the said order, the NTA produced the OMR sheet before this Court. The same has been shown to the petitioner and her guardian as also to the

learned counsel appearing on behalf of her. After seeing the same, they have not disputed the OMR sheet and the blue print produced by the NTA.

8. On bare perusal of the documents placed before this Court and the original OMR sheet produced by the NTA, it appears that it is a clear case that the petitioner by relying on concocted documents and pleading has sought to invoke the jurisdiction of this Court under Article 226 of the Constitution of the India.

9. We find that by doing so the petitioner has unnecessarily wasted the precious time of the Court as well as that of the respondents. Though such conduct of the petitioner is sought to be explained by the learned counsel for the petitioner as an outcome of pressure, we would not like to go deeper into this aspect of the matter, as the petitioner is a student and the medical aspirant.

10. Accordingly by holding that the respondent/NTA was justified in awarding 37 marks to the petitioner, the writ petition stands dismissed. However, considering the fact that the petitioner is a candidate, we do not put burden on her family, we refrain from imposing any cost.

11. Accordingly, the writ petition being devoid of merit is liable to be and is hereby dismissed.”

14. Having considered the rival submissions advanced by learned counsel for the parties, the material placed on record, and the legal position governing interference in examination matters under Article 226 of the Constitution of India, this Court finds no

merit in the present writ petition.

15. The petitioner's allegation that his OMR sheet was manipulated or tampered with rests solely upon his own comparison of the question booklet with the scanned OMR sheet and a self-prepared comparison chart. Apart from such assertions and apprehensions, no independent, credible or cogent material has been produced to establish that the scanned OMR sheet differs from the original OMR sheet submitted during the examination or that any manipulation has been committed by the respondent authorities. Serious allegations involving tampering of official examination records cannot be accepted merely on the basis of suspicion, conjecture or subjective belief, particularly when no substantive evidence has been placed before the Court.
16. It is further evident from the record that the petitioner has not availed the grievance redressal mechanism specifically provided by the respondent authorities for examination-related disputes before invoking the extraordinary writ jurisdiction of this Court. In the absence of any material demonstrating that such remedy was either unavailable or inefficacious, the petitioner cannot bypass the prescribed mechanism and seek adjudication of disputed questions of fact directly under Article 226 of the Constitution.
17. This Court is also mindful that the NEET (UG) Examination is conducted on a national scale through a standardized and

transparent process. Judicial interference with the evaluation process, based solely on an individual's apprehension unsupported by convincing evidence, would adversely affect the certainty, sanctity and finality of the examination system.

18. The reliance placed by the respondents on the decision of this Court in **Ku. Amisha Gupta** (supra). The principle laid down therein squarely applies to the present case, namely, that a mere allegation of discrepancy in an OMR sheet, unsupported by cogent evidence, does not warrant interference in exercise of writ jurisdiction.
19. So far as the reliance placed by the learned counsel for the petitioner on the order passed by the Bombay High Court, Bench at Aurangabad, in **Hricha Prafull Deshpande** (supra) is concerned, the same does not advance the case of the petitioner. The said order is merely an interim order directing production of the petitioner's answer sheet on the next date of hearing and does not finally adjudicate the rights of the parties or lay down any binding principle of law. It is well settled that an interim order, passed on the peculiar facts and circumstances of a particular case, does not constitute a binding precedent. Moreover, the facts of the said case are distinguishable from those of the present case. In the instant matter, the petitioner has neither produced any cogent material to substantiate the allegation of tampering nor availed the grievance redressal

mechanism provided by the respondent authorities before invoking the writ jurisdiction of this Court. Consequently, the interim order passed by the Bombay High Court cannot be treated as governing the present controversy or as a precedent warranting similar directions in the facts of the present case.

20. In view of the aforesaid discussion, this Court is of the considered opinion that the petitioner has failed to establish any arbitrariness, illegality, mala fides or procedural irregularity on the part of the respondent authorities in the evaluation of his NEET (UG)-2026 examination. Consequently, no direction can be issued for production or supply of the original OMR sheet or for re-evaluation of the petitioner's answer sheet.

21. Accordingly, the writ petition, being devoid of merit, is **dismissed**. There shall be no order as to costs.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice