Andreza

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 2105 OF 2025 (FILING)

Miss Tamanna alias Sonalika Harichandra Gad, Daughter of late Harichandra Gad, Aged 18 years, student, Indian National, R/o. H. No. 151, Lobo Wado, Tivim, Bardez, Goa. ... Petitioner

V e r s u s

1. National Testing Agency, First Floor, NSIC-MDBP Building, Okhla Industrial Estate, New Delhi, Delhi 110020.

2. Directorate of Technical Education, Porvorim, Bardez, Goa.

3. State of Goa, (Through the Chief Secretary, Government of Goa, Having his office at the Secretariat, Porvorim, Goa). ... Respondents

Ms Namrata Namdev, Advocate *for the Petitioner.*

Mr. Pravin Faldessai, Additional Government Advocate *for Respondent No. 1.*

Mr. D. Pangam, Advocate General *with Ms. Maria Correia, Additional Government Advocate for Respondent nos. 2 and 3.*

CORAM: BHARATI DANGRE &
NIVEDITA P. MEHTA, JJ.

DATE: 7th AUGUST 2025

ORAL JUDGMENT (*Per Bharati Dangre, J.*)

1. By consent of parties, we deem it appropriate to issue Rule by making it returnable forthwith. Learned Government Advocate waives notice.

2. The Petitioner Ms. Tamanna Sonalika Harishchandra Gad, who appeared for NEET (UG)-2025, is aggrieved by her non-selection in the PwBD General Category for admission to First Year MBBS on the ground that she has failed to make up the requisite cut off percentile marks.

3. We have heard the learned Counsel for the Petitioner as well as Mr. Faldessai, representing the NTA, i.e. Respondent No. 1, and perused the pleadings in the Petition along with the annexures annexed and also some documents which we had asked Mr. Faldessai to produce so as to deal with the contentions in the Petition.

4. The Petitioner suffers from disability and is armed with a Disability Certificate declaring that her to be a case of Locomotor Disability and she is diagnosed as Spastic Cerebral Palsy, the percentage of which is certified as 57% by the Goa Medical College and Hospital in the Certificate issued on 02.05.2024.

When she appeared for NEET (UG)-2025, she claimed a seat reserved for PwBD category as she deserved consideration from the

said category in the wake of the certificate awarded in her favour by the Goa Medical College making her eligible to claim the category of reservation.

5. It is the case of the Petitioner that on the result of the NEET being declared on 14.06.2025, she downloaded the scorecard, which showed her percentile as 54.7489428 and the total marks obtained by her as 326 out of 720. Her candidature was shown from the PwBD category and she was placed in category PwBD at ranking 3415.

However, it is a claim of the Petitioner that this scorecard, was subsequently substituted as the scorecard downloaded by her on 26.07.2025, had mention of changed percentile as well as the marks obtained.

Contrary to the scorecard which she had downloaded pursuant to the result being uploaded, the percentage (based on total marks obtained) was shown as 44.7489428 whereas the percentile (based on total marks obtained) in words is shown as Forty Four pint Seven Four Eight Nine Four Two Eight only. The total marks obtained by her (out of 720) is shown to be 126. In terms of the said scorecard, since her percentage was below 45th percentile, which was a cut-off percentile for PwBD, she could not be considered for admission, is her grievance.

It is the contention of the Petitioner that since the authorities have manipulated the second scorecard by showing her percentile less, to deny her the admission.

6. We asked Mr. Faldessai to produce before us the scorecard of the Petitioner and, accordingly, Mr. Faldessai has downloaded the scorecard today, i.e. on 07.08.2025 at 13.03.10 hours with the IP address stated therein and he has placed the said scorecard before us.

This scorecard matches with the second scorecard which is placed by the Petitioner on record at Exhibit C and is the same scorecard where the total marks secured by her is shown to be 126 and the percentile (based on total marks obtained) is shown as 44.7489428.

We repeatedly enquired to the Counsel for the Petitioner in the presence of the Petitioner and her guardian, as to when did she download the document which had shown her percentile as 54.3748 with her total marks at 326, the answer which we received is after the result was declared. However, the document which is annexed at Exhibit B, do not reflect any date, time when the document is downloaded.

7. Though, it is not the submission of Mr. Faldessai that the document is fraudulent, he would invite our attention to the disclaimer clause below the said document, which reads thus :

> "Disclaimer : Neither NIC nor NTA is responsible for any inadvertent error that may have crept in the results being published on NET. The results published on net are for immediate information to the examinees"

Apart from this Mr. Faldessai, by inviting our attention to one glaring mistake, point out that the percentile in figures in the said document is shown as 54.3748 whereas the percentile in words is described as 'Fifty Four point Seven Four Eight', which is apparently incorrect.

In the scorecard which is placed at Exhibit C as well as the scorecard which has been handed over by Mr. Faldessai today, being downloaded today, the percentile is 44.7489428 and we feel that there could have been an error in mentioning the figure of 44 instead of 54 but that do not appear to be so as we find that in the document at Exhibit B, the percentile 54.3748 while writing in words is written as 'Fifty Four point Seven Four Eight' instead of 'Fifty Four point Three Seven Four Eight' and we, therefore, do not find the said document to be credible.

8. In an attempt to assist the Petitioner, we permitted her to scan the scanner code on Exhibit B which is annexed to her Petition and when the Petitioner herself did so in our presence, what she got is the scorecard with a percentile of 44.7489428. Today, there is no evidence as regards the document at Exhibit B being ever present on the website

of the department, except that which is annexed before us without any indication of the date and time when it was downloaded.

We see no reason why the Respondent no.1, the admission authority, shall be interested in denying the admission to the Petitioner. There appears to be some error on part of the Petitioner as we find that the Petitioner has relied upon a scorecard of Reva Naik, who is shown to have scored percentile of 50.8968659 but Mr. Faldessai has downloaded her scorecard and presented it before us which has reflected a percentile of 67.8968659.

Here also we note that there is variation at the first two figures instead of 50, we find it to be 67, the remaining figures remain the same.

In any case, we have no reason to express any mistrust in the authorities as we find that the entire admission process is conducted through their website and right from declaration of result till the publication of the merit list, declaration of rounds and the subsequent results are all available on the official website.

One thing which Mr. Faldessai has pointed out to us and which is of great relevance is the communication of the OMR (Optical Mark Recognition) sheet of the Petitioner, which is produced before us and an email/communication dated 05.06.2025 addressed to the Petitioner is also placed on record forwarding the OMR sheet to the Petitioner and stating that after viewing the OMR sheet during the answer key

challenge process on the official NEET (UG) portal, if any challenge is required to be raised, it shall be entertained within the stipulated time frame.

The Counsel for the Petitioner deny even receipt of this email communication but, we must observe that this is a standard procedure which is adopted by the NTA and such communications have been forwarded to all the candidates.

We find that Petitioner has failed to raise any challenge to the marking in the OMR and a copy of the OMR sheet produced before us, purely reflect that the Petitioner has secured 126 marks as she has marked 51 answers correct and 78 answers wrong and by calculating the score by taking into consideration the negative marking, her result of the exam held on 04.05.2025 was declared and she had scored 126 marks.

Based upon these marks and the formula applicable for working out the percentile, the percentile has been worked out. It is really unfortunate to know that the Petitioner has missed the admission by a brink, as the cut-off percentile prescribed is 45th for PwBD candidate and she has scored a percentile of 44.7489428.

We can only observe that it is the Petitioner's misfortune but we are not ready to accept the contention advanced on behalf of her that there are malafides in the admission process that is adopted.

Finding no merit and substance in the contention of the Petitioner, we dismiss the Writ Petition.

NIVEDITA P. MEHTA, J. **BHARATI DANGRE, J.**