



2025:DHC:6113



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Judgment Delivered on: 28.07.2025*

+ **W.P.(C) 8483/2025 & CM APPL. 37225/2025, 37555/2025**

SATYA NISHTH

.....Petitioner

Through: Mr. Gautam Narayan, Sr. Adv. with
Mr. Udayan Verma, Ms. Asmita and
Ms. Disha Joshi, Advs.

versus

NATIONAL TESTING AGENCY (NTA) & ORSRespondents

Through: Mr. Sanjay Khanna, SC with Mr.
Tarandeep Singh, Ms. Pragya Bhusan
and Ms. Vilakshana Dayma, Advs.
for R-1/NTA. Mr. T. Singhdev, Ms.
Anum Hussain, Mr. Abhijit
Chakravarty, Mr. Sourabh Kumar and
Ms. Yamini Singh, Advs. for R-
2/NMC.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

JUDGMENT

VIKAS MAHAJAN, J

1. The grievance articulated in the present petition is that the petitioner was subjected to interruptions and harassment mid-examination for re-verification of his identity credentials with respect to his Aadhaar, thereby leading to loss of crucial exam time while he was taking his National Eligibility cum Entrance Test (Undergraduate)–2025 Examination [NEET (UG) 2025]. The said exam was conducted by the respondent no.1/NTA on 04.05.2025 at the Examination Centre located in Meerut, Uttar Pradesh, the venue provided by the respondent no.3.



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2. The brief facts, as borne out from the petition, are that the petitioner had registered himself for appearing in NEET (UG) 2025, scheduled to be conducted on 04.05.2025. As part of the registration process, petitioner's identity was authenticated through his Aadhaar Card which served as a mode of verification.

3. On 30.04.2025, the petitioner received his Admit Card – Provisional for NEET (UG) 2025 wherein the petitioner was allotted the test centre managed by the respondent no.3 in Meerut. The Admit Card further provided the reporting time at the Examination Centre as 11:00 AM, while the gate closing time was fixed at 01:30 PM sharp. The duration of the examination was 180 minutes starting from 02:00 PM to 05:00 PM. The set of instructions contained in the said Admit Card mentioned that candidates would not be allowed to enter the Examination Centre without the Admit Card, valid ID proof and proper frisking. The candidates were also advised to carry an updated copy of their Aadhaar Card.

4. It is stated in the petition that petitioner reached the allotted Examination Centre at the venue of respondent no.3 at 01:20 PM. At the entrance to examination hall, respondent no.3 was undertaking a detailed authentication process wherein the candidates were required to undergo verification of their Aadhaar details through biometric scanners followed by mandatory frisking, in accordance with the prescribed examination guidelines.

5. The petitioner claims that he noticed that the biometric verification was getting delayed due to some alleged technical snag. Without biometric



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verification, candidates were not allowed to proceed towards their respective examination halls.

6. However, in light of the technical snag in the biometric authentication process, officials of the respondents informed the candidates that in order to be permitted entry into the examination hall, the candidates would be required to submit an application addressed to the Centre Superintendent seeking permission to proceed.

7. It is averred in the petition that the petitioner finally managed to submit the requisite application by 01:55 PM, five minutes prior to the commencement of examination after which the petitioner was allowed to appear in the examination.

8. However, at approximately 03:30 PM, while the petitioner was writing his exam, he was asked by the officials of respondent nos.1 and 3 to undergo Aadhaar verification once again and re-submit the application in the prescribed format. Despite loss of precious exam time in the said process, no compensatory time beyond 05:00 PM was allowed.

9. Subsequently, on 07.05.2025, the petitioner addressed a detailed representation to respondent no.1 through email, wherein he narrated the sequence of events that transpired at the Examination Centre of respondent no.3 and prayed for grace marks to compensate for the time lost. In response to the petitioner's representation, *vide* email communication dated 17.05.2025 respondent no.1 informed the petitioner that his concerns had been duly noted and would be considered appropriately.

10. Thereafter, on 05.06.2025, respondent no.1 shared with the petitioner his Optical Mark Recognition (OMR) sheet pertaining to the NEET (UG)



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2025 examination and the results were subsequently declared by the NTA on 14.06.2025. Petitioner's scorecard was made available to him which reflected his percentile as 98.86% having scored 529 marks. On 15.06.2025, the petitioner made another representation to respondent no.1 reiterating the grievance articulated in the previous representation.

11. In the above factual backdrop, present petition has been filed by the petitioner seeking *inter alia* directions to respondent no.1/NTA to consider the detailed representations of the petitioner dated 07.05.2025 and 15.06.2025 and awarding compensatory marks as per the normalisation formula as laid down by the Hon'ble Supreme Court in ***Disha Panchal v. Union of India & Ors., (2018) 17 SCC 278.***

12. Having regard to the nature of grievance ventilated in the present petition, this Court deemed it fit to call for the relevant CCTV footage of the Examination Centre at the venue of respondent no.3 pertaining to the petitioner's examination hall, and the same was examined by this Court in the presence of both the parties and their respective counsels, including the petitioner in-person.

13. Mr. Gautam Narayan, learned Senior Counsel appearing on behalf of petitioner, refers to the CCTV footage and submits that petitioner had reached the examination hall on the day of exam at 01:20 PM i.e. within the stipulated time as mentioned in the admit card. However, on account of failure of biometric authentication system, credentials of the petitioner could not be verified. He submits that this led to a delay in the petitioner being permitted into examination hall.



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14. Elaborating on his submission, he submits that since there was failure in biometric verification, the petitioner was asked to give an undertaking to the Centre Superintendent before entering the examination hall. The petitioner was, thus, allowed to enter the hall in the nick of time i.e. approximately at 01:50 PM.

15. He contends that at around 02:35 PM, the invigilators at the Centre interrupted petitioner's exam and he was made to write another undertaking, and in the process, the petitioner lost three minutes of precious exam time. Again, the petitioner was interrupted at about 3:05 PM and he was taken out of the examination hall for making another attempt of his biometric authentication, which led to loss of further time of approximately three minutes.

16. He submits that the petitioner lost close to 6 – 6.5 minutes of actual time and an overall time of around 8 – 10 minutes was lost, since the petitioner had to regain his composure and attention to resume his exam.

17. He submits that the examination pattern comprises of Physics, Chemistry and Biology (Botany and Zoology) with 180 total compulsory questions which need to be attempted by a candidate in 180 minutes. He contends that since it was a time sensitive exam, any verification required could have been carried out after the conclusion of exam at 05:00 PM. Further, in this regard an undertaking had already been taken from the petitioner before commencement of exam.

18. He contends that since crucial loss of time is not in dispute, the petitioner ought to have been compensated by the respondent no.1/NTA in terms of the normalisation principle as laid down in *Disha Panchal* (supra),



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which was also followed by the High Court of Bombay in *Vaishnavi Sandeep Maniyar v. Central Board of Secondary Education & Ors.*, 2018 *SCC OnLine Bom 8455*. He submits that the said decision of the Bombay High Court was assailed before the Hon'ble Apex Court by way of SLP (C) No.15771/2018, but the same was dismissed.

19. He, therefore, contends that the normalisation principle is still a good law which continues to hold the field.

20. *Per contra*, Mr. Sanjay Khanna, learned Standing Counsel appearing on behalf of respondent no.1/NTA refers to the CCTV footage to contend that petitioner had reached the Examination Centre at 01:34:11 PM when the process of examination had already commenced and not at 01:20 PM, as sought to be contended on behalf of petitioner.

21. He submits that thereafter, the petitioner was made to undergo biometric authentication. However, even after three attempts, the process of authentication could not be completed. He submits that the reason for the same was that the biometric verification was locked by the holder of the Aadhaar, i.e. the petitioner.

22. He submits that petitioner entered the examination hall at 01:48:23 PM and by that time question papers had already been distributed, which necessitated an undertaking from the petitioner, and the formalities in that behalf were completed at 01:57 PM.

23. He submits that in the CCTV footage, the petitioner could be seen stepping out of examination hall for his biometric authentication at 03:05:45 PM and finally coming back to his allotted seat at 03:07:58 PM which shows that petitioner went out of the examination hall for approximately two



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minutes only, and the allegation of disturbance of 8-10 minutes as contended by Mr. Narayan is not correct.

24. Mr. Khanna further submits that in the context of NEET (UG) examination, each candidate may adopt a distinct answering strategy based on his individual preparation and understanding of examination pattern. Due to the application of a negative marking scheme in the exam, candidates often make a conscious decision to attempt only those questions which they are confident about, while leaving others as unanswered to avoid negative marking. He, thus, submits that it is not unusual for candidates to refrain from attempting all 180 questions within the stipulated time as this forms a part of their overall examination strategy.

25. He submits that petitioner has also not attempted all 180 questions. He has cautiously attempted 137 answers correctly and 19 answers incorrectly, based on his preparation and understanding.

26. He submits that the decision in *Disha Panchal* (supra) is not applicable to the situation in hand, inasmuch as in the said case compensatory marks were granted due to power cut during the Computer Based Test (CBT), which principle cannot be made applicable to the present case as NEET (UG) is an OMR based examination conducted in pen and paper. He submits that unlike CBT, time consumption by a candidate in attempting one question cannot be accurately assessed in pen-paper based examination due to absence of audit logs. That apart, in the said decision, a Grievance Redressal Committee, appointed by the Court, had come to a conclusion that there were multiple disruptions due to power shortage which



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actually caused loss of time to 4690 candidates as the computers shut down due to lack of power back-up, which is not the situation in the present case.

27. He refers to the order of Hon'ble Supreme Court in *Alakh Pandey v. National Testing Agency, 2024 SCC OnLine SC 1922*, to contend that a High-Powered Committee appointed in the said case opined that normalization formula cannot be applied in NEET (UG) exam as the same cannot accurately ascertain the loss of time. The Committee further opined that loss of time ascertained by the Grievance Redressal Committee in *Disha Panchal* (supra) and the use of methodology to obtain compensatory marks resulted in a skewed situation and produced a strange outcome of the result.

28. Mr. Khanna further submits that petitioner who himself reached the examination centre late and had his biometric locked, cannot take the plea of time loss essentially when he can be seen not attempting OMR sheet in last 8-10 minutes of examination.

29. He submits that CCTV footage which shows the petitioner being approached by the examination authorities at 02:36 PM, cannot be the basis for petitioner to allege loss of time inasmuch as the official who approached the petitioner at around 02:36 PM, had also approached other candidates in the same room. He submits that the said exercise was part of general procedure and the petitioner cannot seek advantage of the same.

30. In rejoinder, Mr. Narayan submits that similar disruptions may have been caused to other candidates as well who may not have approached Courts for redressal of their grievance, but the said fact cannot be a ground to deny relief to the petitioner.



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31. Mr. Narayan submits that reliance placed by respondent on the order passed in *Alakh Pandey* (supra) to contend that the High-Powered Committee in the said case had recommended re-examination which suggestion was upheld by the Hon'ble Supreme Court, is misconceived. He submits that in *Alakh Pandey* (supra), 1563 candidates were involved whereas present case concerns only a single candidate who is undisputedly affected. He further submits that in *Alakh Pandey* (supra), the principle as laid down in *Disha Panchal* (supra) has not been diluted in any manner.

32. He submits that respondents' contention that biometric of the petitioner was allegedly locked is not tenable as the same has not been pleaded by respondent no.1/NTA in its counter-affidavit.

33. Having heard the rival contention of the learned counsels for the parties, the first question that needs to be decided in the present case is whether there has been any actual loss of time for the petitioner.

34. As above noted, to ascertain the loss of time, if any, this Court had ordered respondent no.1/NTA to produce the CCTV footage of the examination hall which was allotted to the petitioner for his exam. Accordingly, respondent no.1/NTA produced the relevant CCTV footage and the same was scrutinized by this Court on 05.07.2025 in the presence of learned counsels for the parties, as well as, the petitioner.

35. Upon viewing the CCTV footage, it is evident that the petitioner was interrupted twice during the course of examination. *Firstly*, when the official of the respondents approached petitioner at 14:35:54 hrs. At that time, petitioner is seen writing something on a piece of paper provided by the said official. This interruption lasted approximately 01 minute 12 seconds till



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14:37:06 hrs. *Secondly*, when the petitioner's name was called out by an official of respondents at 15:05:40 hrs whereafter the petitioner is seen leaving his seat and going out of the examination hall with said official. The petitioner came back to his seat and resumed his examination at around 15:08:00 hrs. This interruption thus, lasted for 02 minutes and 20 seconds. In total, the petitioner lost 03 minutes 32 seconds.

36. The examination pattern indubitably provides 180 compulsory questions which need to be attempted by a candidate in 180 minutes (3 hours). This gives an average time of one minute for each question creating a time sensitive situation for the candidates where every second counts. In these circumstances, loss of 03 minutes 32 seconds cannot be said to be insignificant.

37. That apart, there is also some substance in the submission of Mr. Narayan that after having been interrupted twice, the petitioner would have taken some time to regain his composure and attention to resume his exam, however, such loss of time cannot be appropriately quantified.

38. Curiously, it is the case of the respondents themselves that at the time of entry, the petitioner was required to undergo biometric authentication however, the same could not be completed even after three attempts due to certain technical issues. It is stated in the counter-affidavit that in the interest of the candidate, he was allowed to proceed to the examination hall upon him giving an undertaking. After giving the undertaking as sought by respondents, the petitioner admittedly assumed his seat before commencement of the exam.



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39. The aforesaid undertaking has been placed on record by the NTA, which states that the petitioner may be allowed to sit in the exam, subject to him being responsible for any discrepancy in biometrics. The undertaking is reproduced as under:

Annexure R-1/4

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To,
The CS,
Trishita Devi Kanthar, Lal Balika College, Meerut.

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Date: 04/05/2025


Mam,

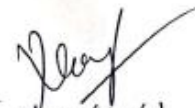
Sub: Regarding non acceptance of Aadhar Card Detail.


I Satyanishth (NEET UG-2025) student is facing difficulty in matching Aadhar Card. Please let me sit in the exam.

Satyanishth
4409-206205

I will be fully responsible myself for any discrepancy in biometric.


(Centre Superintendent)


(Observer)


(Static Magistrate)

40. It is the case of the respondent no.1/NTA that the petitioner had locked his biometric authentication which caused the technical issue. Be that as it may, three verification attempts had already been made by the petitioner at the time of entry and the aforesaid undertaking was also



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obtained from him. No reason is forthcoming to rationalize the need for going through the same exercise again mid-examination. It is also not the case of the respondent that any discrepancy was later found in the biometric credentials of the petitioner.

41. Mr. Khanna has also contended that the petitioner had arrived late to the examination centre. This position was, however, disputed by Mr. Narayan. Undoubtedly, the NTA had the authority and power to deny entry to the petitioner as per the Information Bulletin and the Admit Card, in case he had arrived late, but such discretion was not exercised at the relevant time. It is not in dispute that the petitioner was allowed to enter the Examination Centre and sit for the exam before its commencement, despite allegedly having arrived late, therefore, the argument of alleged late arrival pales into insignificance.

42. The concession given at the time was due to some technical issue with verification of identity credentials for which the aforesaid undertaking was already taken by the officials of the respondents before start of the examination. Considering that the respondents, in their own wisdom, had allowed the petitioner to appear in the exam after having given the aforesaid undertaking, such concession ought to have been followed through by allowing the petitioner to have a fair attempt at the examination without unnecessary interruptions. Biometric verification could have been completed after conclusion of the examination i.e. post 05:00 PM, when the candidate was no longer engaged in attempting the paper. Such an approach would have preserved both procedural integrity and fairness, without causing prejudice to the examinee.



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43. Unfortunately, the respondent did not adopt such course of action. It is the case of the respondent itself that between 15:05:40 hrs and 15:08:00 hrs, the petitioner was asked to complete the verification process again for which he had to leave his allotted seat.

44. Learned counsel for the respondent no.1/NTA has also argued that the petitioner can be seen not attempting the exam towards the last few minutes. In this regard, it must be observed that the manner in which a candidate attempts his examination cannot be adjudged, either by the NTA or this Court. The strategy employed in any form of examination is the sole prerogative of the student and nothing can be deduced in that regard by scrutinizing his conduct. Illustratively, a student may include in his strategy, a dedicated revision time towards the end of the exam to confirm the answers already marked. The importance of revision would assume more relevance in an exam which includes a negative marking scheme.

45. All candidates stand on equitable pedestal when they have been given the same amount of time for an exam. The candidate may utilize the said time as per his discretion in whatever manner he pleases. However, having taken away a portion of the time allotted to him and rationalizing the said act by alleging non-utilization of the same by the student would not be justified.

46. Having considered the aforesaid, this Court is of the view that the prejudice caused to the petitioner ought to be remedied.

47. The decision of the Hon'ble Supreme Court in *Disha Panchal* (supra) provides certain guiding principles founded in a somewhat similar factual situation. In the said case, the petitioners therein who had appeared for CLAT exam, which was a Computer Based Test (CBT), had similarly



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suffered loss of exam time and inconvenience due to repeated login failures. About 4690 candidates were affected by such mismanagement. Accordingly, the Hon'ble Supreme Court constituted a Grievance Redressal Committee with the consent of respondent nos.2 and 3 therein. The Committee, after going through the various complaints raised by the candidates therein, characterised them under the following categories:

“6. On a perusal of the various complaints raised by the candidates, the Committee felt that they broadly fall under one or more of the following categories:

- 1. Frequent login failures.*
- 2. Change of machines/mouse and disruptions.*
- 3. Questions not visible in full or in part.*
- 4. Registered answers disappeared.*
- 5. Heat and unfavourable environment.*
- 6. Commotion and distraction.*
- 7. Time extension not effective as there was no relogin.*
- 8. Undue time extension was given to some.*
- 9. Deliberate cheating by closure of browser.*
- 10. Power failure and absence of UPS needing multiple logins and distraction of concentration.*
- 11. Pre-examination preparation sessions were ineffective; very often machines had to be changed and distracted.*
- 12. Invigilators unhelpful.”*

(emphasis supplied)

48. After having considered the grievances of the candidates, the Committee suggested employing a method to compensate the candidates with some marks for the time lost as the only viable course for redressal, as opposed to the other perceivable solution of re-conducting the test.



49. Accepting the suggestion of the Committee the Hon'ble Supreme Court rejected the contention of outright cancellation of the entire test and framed the normalisation formula, observing as under:

“11. In the chart, all the details including time availed, time lost, number of questions attempted, number of questions correctly answered, number of questions wrongly answered and the answering efficiency of the candidates are tabulated. For instance, Animesh Shukla had lost 553 seconds i.e. roughly over nine minutes. Out of 200 questions, he had correctly answered 125 questions while his answers in respect of 47 questions were found to be wrong. The score that he secured was 113.25. Considering the number of questions attempted, the answering efficiency was found to be 38.65 seconds per question. The next columns give the notional figure as to how many questions he would have answered if there was no time loss and how many questions he would have rightly answered. These notional figures give us statistically correct and appropriate formula to compensate for the loss of time. The figures given in the chart against this candidate show that applying the normalisation formula, the candidate would be entitled to be placed at a score of 122.25 as against 113.35.

12. Since all the details regarding login and logout times are available in respect of each of those 4690 candidates, it is possible to arrive at revised score applying such normalisation formula in respect of the said 4690 candidates. We repeatedly asked the learned advocates for the petitioners and intervenors whether they could suggest any alternate mechanism or point out any infirmity or fault in normalisation formula so placed by Mr V. Giri, learned Senior Advocate but no counsel could suggest any alternative or point out any infirmity. According to us, the normalisation formula so suggested, in the circumstances, would be the best possible way to compensate and take care of the interest of those 4690 candidates. At the same time, it would also ensure that no prejudice is caused to rest of the candidates. The normalisation formula proceeds on the basis of answering efficiency or capacity of a candidate to answer questions in a given time and then applies



*his rate of success as a parameter. Normally, a candidate would first answer those questions, whose answers he is well aware of and leave out rest to be answered in the end. His success rate in the former part would certainly be greater, as compared to the latter. Since he would be given benefit at the same success rate, there would be no prejudice. **It is true that repeated interruptions would cause mental stress and upset him. But that aspect as a factor is difficult to be translated in a quantifiable parameter.** Given the circumstances, the normalisation formula appears to be the correct and appropriate methodology. **We, therefore, accept the formula so suggested and reject the contention of outright cancellation of the entire test.**”*

(emphasis supplied)

50. The subsequent decision in *Alakh Pandey* (supra) relied upon by the respondents, also needs to be adverted to. In that case, compensatory marks had initially been awarded to 1563 candidates by NTA as per the recommendations of Grievance Redressal Committee in lieu of the loss of time during the NEET (UG) – 2024 examination, based on the principles laid down in *Disha Panchal* (supra). However, the said scorecards were subsequently objected to by the candidates and a High-Powered Committee was constituted to re-examine the issue with respect to the facts of the said case.

51. The Committee submitted its report wherein it opined that a re-test would be a more appropriate remedy, as the formula adopted in *Disha Panchal* (supra) resulted in skewed outcomes. Consequently, the Hon’ble Supreme Court gave the affected candidates two options: (i) to appear for a re-test; or (ii) to retain their original marks as awarded earlier.

52. The relevant excerpts from *Alakh Pandey* (supra) read thus:



*“1. By means of Writ Petition (Civil) No. 366 of 2024, under Article 32 of the Constitution, the petitioner Jaripiti Kartheek, who had appeared in National Eligibility-cum-Entrance Test (NEET) UG-2024 Exam, has raised a grievance regarding grant of compensatory marks to 1563 candidates by using normalisation formula where the candidates who had appeared at some of the examination centres were not allowed to utilize full 3 hours and 20 minutes time but were granted lesser time. The compensatory marks were awarded on the basis of recommendations of the Grievance Redressal Committee constituted by the National Testing Agency (“NTA”) relying upon a judgment of this Court in Disha Panchal v. Union of India. **This award of compensatory marks was objected to by other candidates and apparently some petitions were also filed before the High Courts challenging the award of such marks. NTA thereafter constituted another Committee to reconsider the issue and give its recommendations as to whether the award of compensatory marks was justified. This subsequent Committee held meetings on 10th June, 2024, 11th June, 2024 and 12th June, 2024 and after deliberations made recommendations which have been placed before us by Mr. Kanu Aggarwal, learned counsel appearing for Union of India(UOI).***

*2. According to the said recommendations, it has been suggested that the score cards of the affected 1563 candidates issued on 4th June, 2024 will stand cancelled and withdrawn. **These affected 1563 candidates will be informed about their actual scores without compensatory marks. Further re-test will be conducted for the affected 1563 candidates. The result of those affected 1563 candidates who do not wish to appear for the re-test will be declared based on their actual marks (without adding compensatory marks) obtained by them in the test held on 5th May, 2024 and the marks obtained by the candidates who appear in the re-test will be considered and their marks obtained in the test held on 5th May, 2024 will be discarded.....”***

xxx

xxx

xxx

*6. **Having considered the submissions and the material placed on record, this Court finds that the recommendations made by the Committee on 12th June, 2024 after deliberations held on***



10th, 11th and 12th June, 2024, are fair, reasonable and justified. Accordingly, the respondent NTA may proceed for holding the re-test as indicated above.”

(emphasis supplied)

53. In the considered opinion of this Court, the observations made in the case of *Alakh Pandey* (supra) were made in the peculiar circumstances which are differentiable from the present case. This Court is conscious of the fact that the subject examination in *Alakh Pandey* (supra) was also the NEET (UG) conducted on OMR sheets alike the present case, and unlike *Disha Panchal* (supra) wherein the exam was CBT. It has, thus, been argued on behalf of the NTA that the audit logs, that could only be retrieved in computer-based examinations, are not available in pen-paper exams and accordingly, time consumption cannot accurately be assessed.

54. In this regard, reference may be had to the normalisation formula accepted by the Hon'ble Supreme Court in *Disha Panchal* (supra). The requisite parameters or basic factors that were taken into account for calculating the compensatory marks are as follows:

- a. *Total exam duration*
- b. *Notional time loss*
- c. *Number of questions attempted*
- d. *Number of questions correctly answered*
- e. *Number of questions wrongly answered*
- f. *Original score*

55. Incidentally, this Court has already undertaken the exercise of ascertaining the total time lost by the petitioner by going through the CCTV footage in the presence of counsels for both the parties, as well as, the petitioner, and actual time loss has been ascertained as 03 minutes 32 seconds. Total duration of the exam is undisputedly 180 minutes in which



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the petitioner attempted 156 questions, of which he attempted 137 correct answers and 19 were incorrect, earning him a total of 529 marks.

56. Therefore, the data points required to apply the normalisation formula are not lost due to change in the form of examination in the present case. The situation in the case of *Alakh Pandey* (supra) was different inasmuch as the total number of candidates aggrieved were 1563. Determination of the exact timestamps and data points for such a large number of candidates in a pen-paper exam may not be a feasible exercise in contrast to a case involving a single candidate. Similar observations were also made in the report filed by the High-Powered Committee, copy of which was filed by the respondent no.1/NTA before this Court, wherein it was noticed that assessment of time was not possible in absence of timestamps.

57. It must also be noted that in a case like *Alakh Pandey* (supra), where the candidates aggrieved are in large numbers and the exam is conducted in pen-paper, re-test would be a more practical resolution than awarding grace marks to the multiple affected candidates. On the other hand, a case where a single or only handful of candidates are aggrieved, a re-test would entail a huge financial and logistical burden on the examining body. Incidentally, none of the parties to the present petition are in favour of a re-test either.

58. The directions in *Disha Panchal* (supra) and *Alakh Pandey* (supra), were passed based on the suggestions of the respective expert committees which had made their recommendations in the facts and circumstances of both the cases. It cannot be said that the latter has upset the decision in the former, thereby rendering it *otiose*. As noted above, in the present case, the



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direction followed by the Hon'ble Supreme Court in the earlier pronouncement serves to be more practicable than the latter.

59. At this stage, apt would it be to refer to the decision rendered by the Constitution Bench of the Hon'ble Supreme Court in *Padma Sundara Rao (Dead) and Ors. v. State of T.N. and Ors.*, (2002) 3 SCC 533 which succinctly lays down the following principle:

“9. Courts should not place reliance on decisions without discussing as to how the factual situation fits in with the fact situation of the decision on which reliance is placed. There is always peril in treating the words of a speech or judgment as though they are words in a legislative enactment, and it is to be remembered that judicial utterances are made in the setting of the facts of a particular case, said Lord Morris in Herrington v. British Railways Board. Circumstantial flexibility, one additional or different fact may make a world of difference between conclusions in two cases.”

(emphasis supplied)

60. Furthermore, Mr. Khanna has argued that varying strategies are adopted by candidates in attempting the examination questions and some may be left unanswered consciously. In essence, he submits that compensatory marks cannot accurately be calculated by taking only a few factors in account. In this regard, it must be observed that the notion behind granting grace marks, in cases such as the present one, is not to award the exact number of marks to the aggrieved student in order to bring him to a position where he ought to have been. Such marks can only be assessed by adjudging the student on merits, determinable only through an examination. However, once the examination is over, and the student is found to be prejudiced by the actions or inactions of the exam conducting body and no



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redressal of grievance is forthcoming, then, in the opinion of this Court, the said wrong could be remedied either by giving another opportunity by way of re-test or granting grace marks, calculated to the closest approximation. The most appropriate course of action would be where least amount of prejudice is caused to all parties involved.

61. It must also be noted that during the course of hearing, this Court had repeatedly asked learned counsels for suggestions on a different course of action or any alternative formula more appropriate for determining the grace marks to be awarded but no suggestion was forthcoming. Rather, the arguments revolved only around the two decisions of the Hon'ble Supreme Court discussed above.

62. In view of the reasons noted above, the submission of Mr. Khanna that since the Hon'ble Supreme Court has rejected the normalisation formula in the subsequent case of *Alakh Pandey* (supra), the same cannot be followed in the present case or any other appropriate case, is unmerited and does not find favour with this Court. The different approach of the Hon'ble Supreme Court in the two cases discussed above was in the factual situation of each case. Therefore, this Court finds no reason not to adopt the said normalisation formula developed by the Hon'ble Supreme Court in *Disha Panchal* (supra).

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



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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 normalisation 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



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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.

JULY 28, 2025/aj

VIKAS MAHAJAN, J