



2025:DHC:6210



\$~106

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

%

Judgment Delivered on: 29.07.2025

+

W.P.(C) 8520/2025 & CM APPL. 36925/2025

NISHU MAURYA

.....Petitioner

Through: Mr. Gautam Narayan, Sr. Adv. with
Ms. Nitipriya and Ms. Ashmita Singh,
Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Nitinjya Chaudhry, Sr. Panel
Counsel with Mr. Rahul Mourya,
Adv. for R-1 and R-3.
Mr. Kuldeep Rai, Mr. Sandeep
Chawda and Mr. Vishal Tomar, Advs.
for R-5.
Mr. Sanjay Khanna, Standing
Counsel with Ms. Pragya Bhushan,
Mr. Tarandeep Singh and Ms.
Vilakshana Dayma, Advs. for NTA.
Mr. T. Singhdev, Ms. Anum Hussain,
Mr. Abhijit Chakravarty and Ms.
Ramanpreet Kaur, Advs. for NMC.
Mr. Rajat Wadhwa, Amicus Curiae.

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 repeated interruptions and harassment mid-examination for re-verification of her identity credentials with respect to her Aadhaar,



2025:DHC:6210



thereby leading to loss of crucial exam time while she was taking her National Eligibility cum Entrance Test (Undergraduate) – 2025 Examination [NEET (UG) 2025]. The said exam was conducted by respondent no.2/NTA on 04.05.2025 at the Examination Centre located in M.M.H.V. Inter College, Ghaziabad, Uttar Pradesh, i.e. the venue of respondent no.5.

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

3. On the day of the examination i.e. 04.05.2025, petitioner claims to have reached the examination centre at 01:00 PM as per the instructions published in the Information Bulletin issued by NTA. It is stated that the petitioner had arrived within the reporting time carrying her Admit Card, Aadhaar Card and other valid identity proofs.

4. However, at the time of biometric authentication, her biometric data could not be successfully captured at the entrance due to a technical malfunction of the biometric scanner, which was not due to any fault on the part of the petitioner, as other candidates also faced similar issues.

5. It is stated in the petition that petitioner was not allowed to enter the examination hall for nearly 90 minutes from the time of her arrival at 01:00 PM owing to the malfunctioning biometric scanner. It is only after some signal jammers, allegedly interfering with the biometric scanner, were disabled and the biometric system finally recorded petitioner's credentials, whereafter she was allowed entry into the examination hall.



6. Furthermore, it has been alleged that during the examination, officials of respondent no.2 repeatedly approached the petitioner to complete the biometric authentication process again, causing further interruptions and resulting in a significant loss of examination time. No additional or compensatory time was provided to the petitioner for the time lost due to the actions of the respondents.

7. Subsequently, after the examination, petitioner issued a legal notice dated 21.05.2025 addressed to the respondents, enclosing therein photographic evidence, an affidavit, and contemporaneous witness statements attesting to the incidents at the examination centre. However, despite receipt of the said notice, it is alleged that the respondents have neither acknowledged the grievance nor taken any remedial action.

8. In the above factual backdrop, present petition has been filed seeking *inter alia* directions to respondent no.2/NTA to conduct re-examination of the petitioner.

9. Having regard to the grievance articulated 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.5 pertaining to the petitioner and the same was viewed by this Court in the presence of both the learned counsels for the parties, as well as, the petitioner.

10. Mr. Gautam Narayan, learned Senior Counsel for the petitioner, refers to the CCTV footage and submits that the petitioner reached the examination centre within the stipulated entry time as instructed in the Information Bulletin, as well as, the admit card. He contends that despite multiple attempts by both the staff and the petitioner herself, her biometric verification could not be completed. The petitioner repeatedly made oral



requests to the officials to complete the verification process through alternate means, however, the officials at the centre refused to consider any of the suggestions made by the petitioner and further failed to escalate the issue to higher authorities or NTA's helpline.

11. Mr. Narayan further submits that even during the course of examination, officials of the respondents repeatedly approached the petitioner and attempted to complete the biometric authentication process. This resulted in a significant loss of petitioner's effective examination time, for which no additional time was provided to mitigate the loss of examination time.

12. He points out that between 01:58 PM and 02:21 PM, no less than five individuals, including the classroom instructor and two unidentified women, repeatedly approached and directly interacted with the petitioner at her desk during the examination for biometric authentication. He contends that these interruptions caused the petitioner a total loss of approximately 20 minutes of effective writing time, which is wholly contrary to established examination protocols.

13. Mr. Narayan also submits that due to the initial delay and prolonged disruptions, the petitioner suffered significant mental distress, anxiety and nervousness, rendering the petitioner unable to maintain the necessary composure and concentration.

14. Inviting attention of the Court to the representation dated 04.05.2025 of the petitioner addressed to the respondents, as well as, the legal notice dated 21.05.2025, both filed alongwith the writ petition, Mr. Narayan submits that the grievance of the petitioner was duly communicated to the respondents at the outset, without any delay, however, respondents have



neither acknowledged the grievance nor initiated any remedial measures till date.

15. He further submits that the Information Bulletin issued by respondent no.2 is conspicuously silent on the protocols to be followed in cases of biometric failure and does not prescribe any fair procedure for redressal of technical anomalies such as in the present case. He submits that the petitioner is a meritorious candidate who had previously appeared in NEET (UG) 2024 and secured 648 out of 720 marks, attaining an All India Rank (AIR) of 28,326. She appeared again for NEET (UG) 2025 solely to improve her rank.

16. Concluding his arguments, Mr. Narayan submits that the petitioner is entitled to an appropriate relief. On instructions, he submits that the petitioner would be amenable to any relief deemed to be fit in the present case, either grant of compensatory marks, re-examination or, alternatively, considering her performance in NEET (UG) 2024.

17. *Per contra*, Mr. Sanjay Khanna, learned Standing Counsel appearing on behalf of respondent no.2/NTA, refers to the CCTV footage and contends that, as per the admit card, the reporting time for the petitioner was 11:00 AM and not 01:00 PM. He submits that this reporting time was prescribed to ensure that frisking, biometric authentication, and other necessary formalities could be completed well before the commencement of the examination.

18. He submits that the petitioner entered the examination centre only at 01:58 PM and she had entered the examination room allotted to her by 01:59 PM. Thereafter, she took her assigned seat and opened her test booklet at approximately 02:00 PM.



19. Mr. Khanna contends that the biometric authentication could not be completed due to the fault of petitioner herself. Elaborating on his submission, he submits that the petitioner had herself locked her biometrics for Aadhaar authentication. Thus, when the authentication was attempted, the response received from the UIDAI server showed “failed” with error code “330,” indicating “Biometrics locked by Aadhaar Holder.” He contends that at no point during the examination did the petitioner inform the authorities that her biometrics were locked. He, therefore, submits that the delay in biometric verification was not due to any technical malfunction.

20. He also submits that to avoid inconvenient situation for the petitioner she was allowed by the examination authority to go to the examination hall. Thereafter, another attempt for biometric authentication was made 13 minutes into the examination, however, biometric authentication again failed with the same error code and thereafter, multiple authentication attempts were made between 02:13 PM to 02:20 PM.

21. He contends that any disturbance or loss of time was solely the result of the petitioner’s late reporting to the examination centre and the failure of biometric authentication due to her biometrics being locked by her, as the Aadhaar holder.

22. Mr. Khanna further submits that upon viewing the CCTV footage, it is evident that between approximately 04:51 PM and 05:03 PM, the petitioner was merely browsing through the question paper without marking any responses. This, according to him, clearly indicates that the petitioner had sufficient time available but consciously chose not to attempt additional questions, presumably as a strategic decision to avoid negative marking.



Consequently, the contention of the petitioner that her performance was adversely affected due to shortage of time is unfounded.

23. It is further contended that the Information Bulletin of NEET (UG) 2025 does not contemplate any mechanism, remedy, or provision for awarding compensatory marks to candidates. He submits that the Information Bulletin is binding, the sanctity of which has been duly recognised in law. In support of this submission, he places reliance on the decision of this Court in ***Vidya Rai v. National Testing Agency & Anr., 2025:DHC:5479.***

24. He lastly submits that the results have already been declared on 14.06.2025 and, as per the record, the petitioner answered 123 questions correctly and 20 questions incorrectly, for which she was awarded 472 marks. Moreover, as the counselling process for admissions has already commenced, any interference at this stage would unsettle the NEET (UG) 2025 All India Ranks (AIR).

25. In rejoinder, Mr. Narayan submits that respondent no.2 has itself admitted that attempts to complete the petitioner's biometric authentication were made as late as 02:20 PM, thereby encroaching upon her examination time. He contends that, as a practical matter, no candidate can simultaneously undergo biometric authentication and write a highly competitive examination, and such interruptions inevitably affected the petitioner's concentration.

26. He further submits that the petitioner had been present at the examination centre well before 01:00 PM, which stand has been consistent as also stated in the representation of the petitioner sent *vide* email dated 04.05.2025. The reporting time of 11:00 AM cited by the respondents, he



argues, is merely advisory and cannot override the officially stipulated entry deadline of 01:30 PM.

27. Mr. Narayan also contends that the allegation that the petitioner had voluntarily locked her Aadhaar biometrics is wholly unsubstantiated. He points out that the petitioner was allowed to continue only after biometric authentication around 02:30 PM, indicating that her biometrics were not locked by her. Moreover, respondent no.2 has not placed on record any document or communication from UIDAI confirming the alleged lock, nor has it made any effort to independently verify this serious claim with the competent authority.

28. Having heard 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.

29. As noted above, to ascertain the fact, this Court had directed respondent no.2/NTA to produce the CCTV footage of the examination hall which was allotted to the petitioner for her exam. Accordingly, respondent no.2/NTA produced the relevant CCTV footage and the same was viewed by this Court on 18.07.2025 in the presence of learned counsels for the parties.

30. Upon reviewing the CCTV footage, it was observed that the petitioner had assumed her allotted seat in the designated examination hall by 13:59:43 hrs. Thereafter, starting from the commencement of the examination itself, i.e. at 02:00 PM till 02:22 PM, it is undisputedly seen that the petitioner had been subjected to repeated interruptions by the officials of the respondents. These interruptions have been noted and summarised in the table below:

TIME STAMP	TIME LOSS
14:00:00 - 14:01:23 hrs.	1 Minute 23 Seconds



14:05:02 - 14:05:40 hrs.	38 Seconds
14:09:15 - 14:09:25 hrs.	10 Seconds
14:10:19 - 14:15:54 hrs.	5 Minute 35 Seconds
14:19:24 - 14:21:23 hrs.	1 Minute 59 Seconds
TOTAL LOSS OF TIME	9 Minute 45 Seconds

31. Having duly considered the CCTV footage, it is observed that the interruptions caused to the petitioner, though amounting in total to 9 minutes and 45 seconds, were not all at once but occurred in intervals over a span of approximately 22 minutes. Such repeated disturbances, in the context of a highly competitive examination, would inevitably impair the petitioner's concentration and adversely affect her ability to perform to the best of her potential.

32. The Court also finds merit in the submission of Mr. Narayan that after being interrupted multiple times by several officials of the respondents who were standing around her desk while she was attempting her exam, the petitioner would have needed some time to regain her composure and focus to continue with the examination. However, quantification of such time lost cannot be done precisely, therefore, the same is not being taken into account.

33. The examination pattern indubitably provides 180 compulsory questions which need to be attempted by a candidate in 180 minutes (3 hours), which provides an average time of one minute for each question creating a time sensitive situation for the candidates where every moment or second counts. In these circumstances, loss of 9 minutes 45 seconds cannot be said to be insignificant.



34. Pertinently, Mr. Khanna has contended that the petitioner had arrived late to the examination centre herself which triggered the sequence of events in the present case. Notably, the entry point where the biometric verification was done initially is not covered by CCTV cameras nor any footage of the said point has been shown. Therefore, it cannot be said with certainty at what time the petitioner had reached the examination centre.

35. In any case, the NTA had the authority and power to deny entry to the petitioner as per the Information Bulletin and the Admit Card, in case she had arrived late, but such discretion was not exercised at the relevant time. Therefore, the argument of alleged late arrival pales into insignificance since the petitioner had duly been allowed to enter the Examination Centre and sit for the exam before its commencement, despite allegedly arriving beyond the stipulated time.

36. It is also the case of the respondent no.2/NTA that at the time of entry, the petitioner was required to undergo biometric authentication, however, the same could not be completed despite repeated attempts because the petitioner had locked her biometrics in respect to her Aadhaar. It has been submitted that the same exercise was undertaken again during the examination period but to no avail since the system showed failure with the same error code.

37. In this regard, it may be noted that the officials of the respondents had attempted biometric verification of the petitioner at the entry. She was permitted into the examination hall despite the verification having failed. Thereafter, re-verification attempt was made during the time of examination, which yielded the same result. Yet, the petitioner was allowed to continue. Subsequently, the petitioner's response sheet has been accepted and



processed. Further, petitioner's result has been declared. It is also not the case of the respondents that there is any dispute as to her identity. Thus, it can safely be assumed that Aadhaar verification, as required by the prescribed procedure, was completed subsequently. Even if it could not be completed, there was no reason for undertaking the same exercise of biometric verification during the course of the examination when multiple attempts at the time of entry had already failed.

38. Such biometric verification attempts could have been made 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 unnecessary interruptions and prejudice to the petitioner. Unfortunately, the respondent did not adopt such a course of action.

39. Mr. Khanna had further referred to the CCTV footage to contend that the petitioner can be seen not attempting the exam during the last few minutes of the examination. In respect of the aforesaid stand of the respondent no.2/NTA, apt would it be to refer to the decision of this Court in *Satya Nishth v. National Testing Agency (NTA) & Ors.*, 2025:DHC:6113, where on similar grounds the NTA had opposed the prayer of a candidate for compensatory marks who had also appeared for NEET (UG) 2025 and faced the same issue with the biometric authentication which led to interruptions mid-examination like in the present case. This Court, rejecting the contention of the NTA, observed as under:

“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.”*

40. Reliance has been placed by the NTA on the decision of this Court in **Vidya Rai** (supra) to contend that the Information Bulletin is sacrosanct and no mandamus can be issued contrary to the stipulations contained therein, even by a Court under Article 226. Having examined the said judgment, this Court finds that the reliance placed by the respondent is misplaced inasmuch as the said decision has been rendered in view of the fact that the information bulletin in the said case explicitly stipulated a window period for raising challenge to a question in the examination and prohibited any challenge thereafter. In that backdrop, it was observed that the information bulletin ought to be followed. However, in the present case, no provision has been pointed out by the respondent from the relevant Information Bulletin which bars the relief sought in the present case.

41. Furthermore, NTA is an autonomous body operating under the Ministry of Education, Government of India. Being an instrumentality of the



State, the respondent no.2/NTA has an obligation in law to act fairly, justly and reasonably, being a requirement of Article 14 of the Constitution. Once it is found that actions of a State or an instrumentality of the State are arbitrary, then suitable directions can be passed by a writ court to set aside the said arbitrary actions.¹

42. As regards the relief sought, this Court in *Satya Nishth* (supra) had an occasion to examine the decisions of the Hon'ble Supreme Court in *Disha Panchal v. Union of India & Ors.*, (2018) 17 SCC 278 and *Alakh Pandey v. National Testing Agency*, 2024 SCC OnLine SC 1922 to determine the possible resolution to the controversy akin to the one at hand. Rejecting the proposition of ordering a re-test of the sole petitioner, this Court held as under:

“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*

xxx

xxx

xxx

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

¹ ABL International Ltd. & Anr. v. Export Credit Guarantee Corporation of India Ltd. & Ors., (2004) 3 SCC 553



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

xxx

xxx

xxx

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*



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.”

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 normalisation 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.



2025:DHC:6210



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.

JULY 29, 2025/aj

VIKAS MAHAJAN, J