



IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 4049 of 2025

FOR APPROVAL AND SIGNATURE:

HONOURABLE MR. JUSTICE NIRZAR S. DESAI

Sd./-

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Approved for Reporting	Yes	No
	✓	

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BHARVAD MEGHANKABEN NARESHBHAI THROUGH NATURAL
GUARDIAN AND FATHER BHARVAD NARESHBHAI DALABHAI

Versus

NATIONAL TESTING AGENCY (NTA) THROUGH ITS DIRECTOR
GENERAL & ORS.

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Appearance:

MR BRIJESH K RAMANUJ(9898) for the Petitioner(s) No. 1

MR HARSHEEL D SHUKLA(6158) for the Respondent(s) No. 2,4

MR KV SHELAT(834) for the Respondent(s) No. 1

MR PRADIP D BHATE(1523) for the Respondent(s) No. 5

VIKAS V NAIR(7444) for the Respondent(s) No. 3

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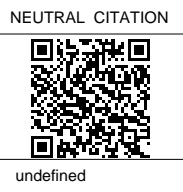
CORAM: **HONOURABLE MR. JUSTICE NIRZAR S. DESAI**

Date : 01/04/2025

ORAL JUDGMENT

1. Heard, learned Advocate, Mr. Ramanuj, for the petitioner, learned Advocate, Mr. Shelat, for Respondent No.1 and Learned Advocate, Ms. Patel, appearing for learned Advocate, Mr. Nair, for Respondent No.3.

2. With the consent of the learned Advocates for the parties, this matter is taken-up for hearing and final disposal, today. Hence, **RULE**. Learned Advocate, Mr. Shelat, learned Advocate,



Mr. Shukla, and learned Advocate, Ms. Patel, for learned Advocate, Mr. Nair, waive service for the respective respondents.

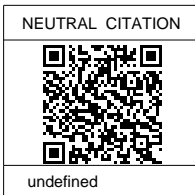
3. By way of this petition, the petitioner has prayed for the following relief;

"10. ...

a) Your Lordships may be pleased to admit and allow this petition;

b) Your Lordships may be pleased to issue a writ of mandamus and / or any other appropriate writ, order or direction in the nature of mandamus and direct the respondents to extend the NEET - UG 2025 application deadline for 2 – 3 days to allow affected students to complete registration (ANNEXURE-A); in the interest of justice.

c) Pending admission, hearing and / or final disposal of this petition, Your Lordships may be pleased to pass appropriate order / direction to the respondents to stay on the further conduct of the NEET – 2025 examination and all subsequent processes, including the issuance of admit cards and the declaration of results, until the present petition is finally decided;



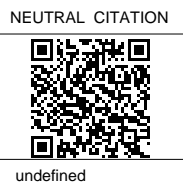
d) Your Lordships may be pleased to; Direct the Respondents to reopen the NEET – UG 2025 application portal for all similarly placed students (mentioned in the memo of the application) whose applications remained incomplete due to server failures and unavoidable hardships, in the interest of justice;

e) Such other and further reliefs as Your Lordship may deem just, fit and expedient be granted in favour of the petitioner. "

4. A perusal of the reliefs prayed for in this petition and as reproduced herein above indicate that the petitioner wants that the window for applying for registration for NEET (UG)-2025 be reopened, on the ground that the petitioner could not upload the necessary documents, as she was not having the same at the relevant point of time.

5. Learned Advocate, Mr. Ramanuj, appearing for the petitioner submitted that there were some technical glitches on the server as well and therefore, the petitioner could not upload the relevant documents on the portal, which is the basis for filing this petition. It was, therefore, prayed that this petition be allowed.

6. Learned Advocate, Mr. Shelat, appearing for Respondent No.1 submitted that recently, i.e. on 27.03.2025, the issue of allowing the candidates to participate in the NEET – UG 2025

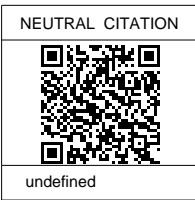


examination, on the ground of failure on the part of the concerned candidate to submit online application form for participating in NEET – UG 2025 examination, was considered by the Division Bench of the Bombay High Court, Aurangabad Bench, in the case of '**Namrata Sanjay Sarkate Vs. The Union of India through the Secretary & Another**', vide order dated 27.03.2025, rendered in 955 Writ Petition No. 4212 of 2025.

6.1 It was also submitted that the registration for NEET – UG 2025 has already come to an end on 07.03.2025 and even before so doing, two public notices were issued, intimating the stake holders, including the present petitioner, to complete the registration by filing the application form, online.

6.2 It was, further, submitted that in similar set of circumstances, by taking into consideration the decision of the Hon'ble Apex Court in the case of '**Vanshika Yadav Vs. Union of India & Others**', reported in (2024) 9 SCC 743, the Division Bench of the Bombay High Court dismissed the petition preferred by the similarly situated candidates.

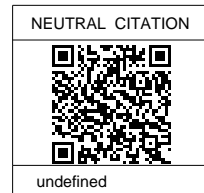
6.2.1 It was submitted that in the case of '**Vanshika Yadav**' (Supra), the Apex Court has clearly observed that, if, a number of persons are allowed to submit their forms online, by opening the window, the same would lead to allegations of manipulation. It was, therefore, prayed that as the portal for making online application is already closed on 07.03.2025, this Court may not take a different view from the one taken by the



Division Bench of the Bombay High Court and may dismiss this petition.

7. I have heard the learned Advocates for the parties and perused the material on record and I find that the window for making online application for participating in NEET - UG 2025 has already been closed on 07.03.2025 and therefore, even if, the grounds raised by the petitioner in this petition and those urged at the time of hearing of this petition are believed to be absolutely true, then also, the fact remains that the petitioner failed to submit her application online, at the relevant point of time, for want of necessary documents. Further, merely because the petitioner could not submit her application online, for want of relevant documents, the same would not create any right in favour of the petitioner to seek a direction against the respondents to open the window / portal so that she can submit her application, online. No such direction can be issued in favour of a person, unless he / she makes out an exceptional case for so doing.

7.1 Further, learned Advocate, Mr. Ramanuj, for the petitioner, during the course of argument, admitted that since the petitioner was not having the relevant documents, she could not fill-up the form online and could not upload the documents on the portal, when the portal or the window was open. In that view of the matter, here, it would be relevant to refer to the observations made by the Division Bench of the Bombay High Court, in its order dated 27.03.2025, which read thus;

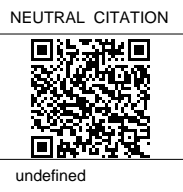


“1. Heard the learned advocate for the Petitioner who missed the bus on her failure to submit online application for appearing at NEET-2025.

2. Irrespective of the reasons, the issue as to whether after the last date for filling up the form online was over, a candidate can be permitted to participate in the NEET examination that too by invoking powers of this Court under Article 226 of the Constitution of India.

3. The learned advocate for the Petitioner submits that the Petitioner was not to gain anything by delaying submission of the application. She was ill. There is a certificate of the doctor and and she may be permitted to participate by submitting the application offline or in a physical form.

4. The learned advocate Mr. Bangar who appears for the respondents strongly opposes the petition and refers to the judgment of the Supreme Court in the matter of Vanshika Yadav V/s. Union of India & Ors. in Writ Petition (Civil) No.335/2024 decided on 02.08.2024. He adverts our attention to para nos.70 and 78 and submits that the reopening of the window for the petitioner can be taken advantage of by many other candidates and would lead to manipulation. He submits that once the date for filling in online application is over nothing can happen. There is no provision for accepting such applications offline. It is a

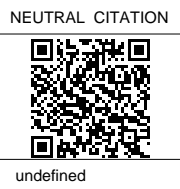


matter of conducting an examination at the national level and the petitioner ought to have been meticulous and punctual when the window was open for one month.

5. We have considered the rival submissions and perused the papers including the judgment in the matter of Vanshika Yadav (supra). In para nos.70 and 78 the scrutiny was undertaken as to if reopening of the window on couple of dates had resulted in some manipulations / malpractices which is not the case in hand. The case in hand does not call for any such inquiry since the exercise that was undertaken by the Supreme Court was to ascertain if by reopening the window, malpractices were facilitated and affected the result of the NEET examination that was already concluded. Here the petitioner is still to appear and the examination is still to be held.

6. However, the fact remains that, re-opening of the window may hypothetically result in facilitating some malpractice, as is the apprehension expressed by the Supreme Court. Therefore, we cannot direct the window to be reopened only to enable the petitioner to participate.

7. So far as the request for accepting the petitioner's application offline is concerned, we cannot evolve a novel method which is not prescribed by the regulation. If the regulations do not permit submission of the applications



in physical form, no writ of mandamus can be issued. 8. The petition is dismissed."

7.2 In view of the decision of the Hon'ble Apex Court in the case of '**Vanshika Yadav**' (Supra) and the observations made by the Division Bench of the Bombay High Court, as reproduced herein above, so also the fact that the petitioner failed to make out an exceptional case, I do not see any reason to even issue notice and to entertain this matter and in fact, this petition deserves to be dismissed.

8. Resultantly, this petition fails and the same is **dismissed**. Rule is discharged. No order as to costs.

UMESH/-

Sd./-
(NIRZAR S. DESAI,J)