

IN THE SUPREME COURT OF INDIA
ORIGINAL CIVIL JURISDICTION

WRIT PETITION (Civil) No(s). 390 OF 2017

SANKALP CHARITABLE TRUST

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

WITH

WRIT PETITION (Civil) No(s). 395 OF 2017

TRANSFER PETITION(C) Nos. 1031-1033 OF 2017

WRIT PETITION (Civil) No(s). 473 OF 2017

TRANSFER PETITION(C) No. 1081 OF 2017

WRIT PETITION (Civil) No(s). 882 OF 2017

O R D E R

IN W.P. 390/2017

On 10.8.2017, this court has passed the following order:

"Heard Ms.Indira Jaising, learned senior counsel along with Mr.Harsh Parashar, learned counsel for the petitioners, Mr.Ajit Kumar Sinha, learned senior counsel for Union of India, Mr.Maninder Singh, learned Additional Solicitor General and Mr.Tara Chandra Sharma, learned counsel for the Central Board of Secondary Education (CBSE) and Mr.Gaurav Sharma, learned counsel for the Medical Council of India.

Having heard learned counsel for the parties at length, we are of the considered opinion that the NEET examination conducted by the CBSE should be without any kind of ambiguity. Be it stated that the question papers are set in English, Hindi and regional languages. The picture that has been projected before us is that there is difference in the question papers and, therefore, CBSE applies the principle of equivalent difficulty. We are disposed to think that it would be appropriate for CBSE the question papers set in English, Hindi or in regional languages should be the same. It shall

facilitate the students' community to choose the language they intend to adopt to answer the questions and in that event the principle of uniformity shall be appositely maintained for all the categories of students. When there is appropriate translation, the identity and uniformity of the question papers will be in the realm of certainty. We have been apprised that it is difficult to translate certain areas in regional languages pertaining to medical terms. In such circumstances, it shall be within the domain of the experts to use the medical terms as they are. It relates to the experience of the experts.

In view of the aforesaid, we direct the CBSE to file a comprehensive affidavit as to how it is going to conduct the examination in future.

Let these matters be listed on 10th October, 2017.

As we are contemplating to dwell upon the uniformity of the question papers, we request all the High Courts not to entertain any writ petition in this regard.

It is open to Ms.Indira Jaising, learned senior counsel for the petitioners to give suggestions in writing to Mr.Maninder Singh, learned Additional Solicitor General and Mr. Tara Chandra Sharma, learned counsel appearing for the CBSE who, in turn, shall provide them to the competent authorities of CBSE for consideration. The suggestions shall be given within two weeks from today.

Call on the date fixed."

Pursuant thereto decision has been taken by the Central Board of Secondary Education (CBSE) which has been stated on oath thus:

"9. I further say that in compliance with the aforementioned orders of this Hon'ble Court, the Central Board of Secondary Education, Delhi (in short, 'CBSE')-Respondent No.2 has decided about the pattern of NEET-UG,2018-19 as follows:

(a) The Entrance Test shall consist of one paper in all languages containing 180 objective type questions from Physics, Chemistry and Biology (Botany & Zoology) to be answered on the specially designed machine-gradable sheet using Ball Point Pen provided by CBSE at examination centre only.

(b) The duration of test would be 03 hours.

(c) Language of the Question Papers.

i. Candidates can opt for question Papers in either of the following languages:

ENGLISH	HINDI	ASSAMESE	BENGALI	GUJARATI	KANADA
MARATHI	ORIYA	TAMIL	TELUGU	URDU	

ii. Option of medium of Question Paper will be exercised while filing in the application form. The option once exercised by candidates cannot be changed later.

iii Candidates opting for English would be provided Test Booklet in English only.

iv Candidates opting for Hindi would be provided Bilingual Test Booklet i.e. in Hindi and in English.

v. Candidates opting for vernacular languages would be provided Bilingual Test Booklet i.e. in selected language and in English.

vi. In case of any ambiguity in translation of any of the questions, its English version shall be treated as final.

SYLLABUS FOR THE TEST

The question papers for the test shall be based on a common syllabus notified by the Medical Council of India.

10. I further say that with regards to eligibility criteria pertaining to minimum qualifications, Age, Syllabus and other conditions, for which Medical Council of India and Dental Council of India are the Competent Authorities, shall be as decided by them and shall be given in the Information Bulletin of NEET-UG,2018.

11. I further say all the relevant information regarding National eligibility cum Entrance Test-UG,2018 (Sessions 2018-19) for admission to MBBS/BDS Courses shall be made available to the candidates through Information Bulletin, which would be made available to the candidates on its website. A copy of the Draft Information Bulletin of National Eligibility cum Entrance Test-UG,2018 in which the scheme of NEET-UG is given is annexed as ANNEXURE 'R-2/8'."

In view of the statement so made, the order passed by this Court on 10.8.2017 stand complied with.

Let examination be held as assured by the CBSE as mentioned in aforementioned Paras 9,10 & 11.

Accordingly the writ petition stands disposed of.

Pending application, if any, also stand disposed of.

IN I.A. 1516/2018 in W.P. 390 OF 2017

Application stands dismissed as withdrawn with liberty that all such questions may be sorted out in appropriate proceedings as and when necessity arises.

In W.P.NO. 882 OF 2017

Writ petition dismissed as having become infructuous.

Pending application, if any, also stand disposed of.

IN T.P.(C) Nos. 1031-1033 and 1081 of 2017

Transfer is not necessary. Transfer petitions stand disposed of as having become infructuous.

IN W.P.(C) Nos. 395 and 473 of 2017

In the light of the afore-stated order passed in W.P. No. 390 of 2017, the instant writ petitions also stands disposed of.

Pending application, if any, also stand disposed of.

.....J.
(ARUN MISHRA)

.....J.
(S. ABDUL NAZEER)

NEW DELHI;
JANUARY 25, 2018

ITEM NO.52

COURT NO.9

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 390/2017

SANKALP CHARITABLE TRUST

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(FOR STAY APPLICATION ON IA 43322/2017 and IA No.1516/2018-
APPROPRIATE ORDERS/DIRECTIONS)

WITH

W.P.(C) No. 395/2017 (X)
(FOR [DIRECTION] ON IA 43757/2017 and IA No.79007/2017-
[APPLICATION FOR SUGGESTION])

T.P.(C) No. 1031-1033/2017 (XVI -A)

W.P.(C) No. 473/2017 (X)
FOR EX-PARTE STAY ON IA 49905/2017
FOR impleading party ON IA 53594/2017
FOR INTERVENTION/IMPLEADMENT ON IA 53594/2017)

T.P.(C) No. 1081/2017 (XVI -A)
(FOR ADMISSION)

W.P.(C) No. 882/2017 (X)
(FOR ADMISSION)

Date : 25-01-2018 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE S. ABDUL NAZEER

For Petitioner(s) Mr. Sachin Patil, AOR

Mr. Harsh Parashar, AOR
Mr. Aditya Bakshi, Adv.

Mr. Tara Chandra Sharma, AOR
Ms. Neelam Sharma, Adv.
Ms. Pankhuri Shrivastava, Adv.
Mr. Rajeev Sharma, Adv.

Mr. Ankit Anandrajshan, Adv.
Mr. Ankit Anandraj Shah, AOR

Mr. D.N. Ray, Adv.
Mr. Lokesh K. Choudhary, Adv.
Ms. Disha Ray, Adv.
Mr. Dillip Kumar Nayak, Adv.
Mrs. Sumita Ray, AOR

For Respondent(s) Mr. Tara Chandra Sharma, AOR
Ms. Neelam Sharma, Adv.
Ms. Pankhuri Shrivastava, Adv.
Mr. Rajeev Sharma, Adv.

Ms. Kiran Suri, Sr. Adv.
Mr. Bharat Singh, Adv.
Mr. B.V. Balramdas, Adv.
Mr. B. Krishna Prasad, AOR

Mr. A.K. Sanghi, Sr. Adv.
Mr. Ajit Kumar Sinha, Sr. Adv.
Mr. Vibhu Shanker Mishra, Adv.
Mr. Pranay Ranjan, Adv.
Mr. Kuldeep Chauhan, Adv.
Mr. Rajesh Mishra, Adv.
Ms. Samta P. Mishra, Adv.
Mr. Deepak Goel, Adv.
Mr. Sanjai Kumar Pathak, Adv.
Mr. Gautam Sharma, Adv.
Mr. Gunwant Dara, Adv.
Mr. G.S. Makker, Adv.
Mr. Mukesh Kumar Maroria, AOR

Ms. Abha R. Sharma, AOR
Mr. D.S. Parmar, Adv.
Mr. M. Abdullah, Adv.

Mr. Gaurav Sharma, AOR
Mr. Amandeep Kaur, Adv.
Mr. Prateek Bhatia, Adv.
Mr. Dhawal Mohan, Adv.
Mr. Abhishek, Adv.
Ms. Mansi Sharma, Adv.

For State of Rajasthan Mr. Shiv Mangal Sharma, AAG
Mr. Puneet Parihar, Adv.
Mr. Rohit K. Singh, AOR

Mr. Raja Chatterjee, Adv.
Mr. Chanchal Kumar Ganguli, AOR
Mr. Piyush Sachdev, Adv.
Mr. Adeel Ahmed, Adv.
Mr. Runa Bhuyan, Adv.

Ms. Hemantika Wahi, AOR
Ms. Jesal Wahi, Adv.
Ms. Puja Singh, Adv.
Ms. Mamta Singh, Adv.
Ms. Shodhika Sharma, Adv.

UPON hearing the counsel the Court made the following
O R D E R

IN W.P. 390/2017

Writ petition stands disposed of.

Pending application, if any, also stand disposed of.

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Application stands dismissed as withdrawn with liberty that all such questions may be sorted out in appropriate proceedings as and when necessity arises.

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In the light of the order passed in W.P. No. 390 of 2017, the instant writ petitions also stand disposed of.

Pending application, if any, also stand disposed of.

(NEELAM GULATI)
COURT MASTER (SH)

(SIGNED ORDER IS PLACED ON THE FILE)

(JAGDISH CHANDER)
BRANCH OFFICER