

NEET 2024 Debacle: Re-Conducting NEET 2024 to Salvage its Integrity and Trust Amidst Scrutiny of NTA [‘National Testing Agency’ aka ‘Notorious Testing Agency’]’s Blemished Conduct **1

INTRODUCTION

The NEET 2024 examination has been mired in controversy, turning what should be a standard academic evaluation into a nationwide fiasco. The organization responsible for conducting NEET, the National Testing Agency (NTA), has faced severe criticism and is now being cynically referred to as the "Notorious Testing Agency" due to a series of unprecedented and questionable events.

OBJECTIVE FACTS HIGHLIGHTING THE FIASCO:

- a. **Extraordinary Scores, Limited Seats:** In a surprising turn of events, 67 students scored a perfect 720 marks, an achievement never seen before. Despite securing the highest possible marks, general category candidates are still unable to secure a seat in AIIMS, Delhi, which has only around 45 seats.
- b. **Inconsistent Ranking System:** Teachers and experts maintain that the difficulty level of the NEET exam was consistent with previous years. Yet, a score of 650 out of 720, which previously would have secured a rank around 10,000, now fails to place a candidate even in the top 40,000.
- c. **Arbitrary Grace Marks:** The NTA granted grace marks to 1,563 students, with scores ranging from -20 to 720 marks. This decision, allegedly based on claims of delayed paper distribution, raises serious questions:
 - What criteria were used to determine the validity of these claims?
 - Why were the details of the students and the quantum of marks not disclosed?
 - Is there a possibility that more than 1,563 students received such grace marks considering extraordinary marks this time in spite of the fact that the difficulty level of question paper in 2024 being similar to previous years?
- d. **Evidence of Paper Leaks:** There is substantial evidence of paper leaks in Bihar and Gujarat, including FIRs, arrests, and confessions of the Accused u/s 164, CrPC, recovery of leaked papers, etc. In an era where information can be disseminated instantly, such leaks pose a catastrophic threat to the integrity of the examination.
- e. **Impossible Scores Across the Board:** Numerous students scored 718 or 719 marks, a feat which is impossible as per the current marking system.

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f. **Prima Facie, The Illegalities are Writ apparent and can be summarized as under:**

(i) That there has been a leakage of question paper or answer key or part thereof.

(ii) That directly or indirectly candidates have been assisted in an unauthorized manner in the NEET'24 by arbitrary grant of 'grace marks' without any legal basis.

(iii) There is a cogent proof regarding fabrication of Optical Mark Recognition response sheets at various centers.

All this prima facies and beyond reasonable doubt suggest that the power/discretion by NTA has been exercised without any authority and is suggestive of complicity in the scam.

SUPREME COURT PROCEEDINGS AND THE WAY FORWARD:

Currently, the NTA and the Union of India have taken refuge in the Supreme Court, agreeing to follow its directives. The next hearing is scheduled for July 8, 2024, with no stay on the counseling or admission process. The Supreme Court has accepted the NTA's plea to re-conduct the examination for the 1,563 candidates who received grace marks without appreciating that even out of 1563 candidates, only 790 qualified and not others. Thus, granting chances to all 1563 would itself be an arbitrary exercise of power. The Supreme Court at present has refused to pass any interim directions to stay the Counselling/admissions process, etc. and has posted the matter on 08.07.24. In our considered opinion, the matter needs to be re-mentioned and the Apex Court be persuaded the Court to re-consider with following:

- a. The crucial evidence being the OMR sheets, where apparent inflation of marks has been accorded under the guise of 'grace marks' needs to be preserved at the earliest as otherwise the possibility of tampering can't be ruled out.
- b. The crucial evidence being CCTV footages and other corroborative evidence to show whether there was genuine delay basis which the grace marks were awarded may be lost, if not retrieved at the earliest. Thus, investigation thereafter would be a futile exercise.
- c. If prima facie, the Court has found serious lapse and evidently all the parameters are fulfilled to accord interim indulgence/relief are satisfied; the Supreme Court ought to re-consider its stand with respect to the grant of interim relief or to at least to take up matter before 08th July, 2024.

- d. If after 3 months, the Supreme Court finds that there were serious lapse and directs investigation by CBI; it would result into a situation i.e operation successful but patient dead.
- e. The crucial data including mobile phones, records from social media apps of the alleged accused may be lost by the time the investigation commences.
- f. The students should demand compensation alongside re-conduct basis the violation of their fundamental right to fair examination and assessment in the public examination.
- g. Reconducting the NEET exam is feasible even from a commercial standpoint. The popular consensus shows that the students in order to get a fair chance are ready to pay the examination fees again. Thus, reconducting the exam is the only pragmatically viable solution to preserve the sanctity of the NEET Exam but may even be justified from commercial standpoint.

The stakeholders need to really up their game and push for more cohesive legal strategy.

REFORMATIVE MEASURES FOR NEET'24 AND FUTURE CASES OF – 'PAPER LEAK' OR 'WHERE THE ADMISSION PROCESS IS VITIATED BY FRAUD':

Given the severity of the NEET 2024 fiasco, it is crucial to establish mandatory guidelines for handling such situations:

- a. **Compensatory and Tortious Damages to Students On Account Of Violation Of Their Fundamental Rights:** 'Right to fair examination and assessment in Public Examinations' conducted by the Central Government is a facet of fundamental rights of the students. Apparent violation of the said fundamental rights as evident in the present case entitles the students to also receive compensation/damages on account of serious lapse and malafide in the conduct of the NEET,24. The NTA's apparent conduct has resulted into violation of Fundamental Rights of students. Imagine a long-term impact of lakhs of incompetent/ undeserving doctors serving crores of Indian patients. Thus, not only the NEET, exam be conducted a fresh, but the Government be made responsible and levied penalty [even if nominal], which would act as deterrent act in future.
- b. **Immediate FIR Registration by CBI [Central Agency] given a pan India nature of exam duly monitored by a Retired Supreme Court Judge to be concluded in a time bound manner:** Given the pan-India nature of such exams and the rapid dissemination of leaked information, the Central Bureau of Investigation (CBI) should handle all cases of paper leaks. State police investigations could lead to confusion and inefficiency. To further bolster the process, the said investigation be monitored under the supervision of Retd. Supreme Court Judge in a time bound manner.

- c. **Direct Resort to Supreme Court under Article 32:** In cases of paper leaks or apparent malafide admission processes, petitions should be directly entertained by the Supreme Court for immediate adjudication on interim measures, such as staying the counseling and admission processes.
- d. **Immediate adjudication on interim measures such as – ‘stay on counseling and admission process’ by Supreme Court, if prima facie case made out:** Immediate adjudication on the interim prayers in such cases of paper leak being – ‘stay on counseling and further admission process’. The time is essence. In case, the admission process is allowed to be continued in such cases, the final adjudication would be a mere academic exercise.
- e. **Vicarious liability/accountability of Chairperson, Minister and other Officials:** The Chairperson and relevant ministers should be held vicariously liable and named in FIRs. Dismissing such incidents as 'human error' without accountability encourages future lapses.

Re-Conduct of Neet'24 only way to ensure the sanctity of the Exam:

The emotional and financial toll of this scandal is huge, leading to a wave of despair and uncertainty. Dreams have been shattered, trust has been broken, and the faith in a fair and just educational system has been severely chipped away. The NEET 2024 fiasco has not only impacted the 24 lakh students who dedicated years of their lives to preparing for this crucial examination but has also deeply affected their families, numbering in crores. This is not just an educational crisis; it is a national catastrophe that shakes the very substructure of our academic integrity. The NEET exam holds massive value, often have effect on the future of aspiring doctors across the nation.