

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5711 of 2025

Rishu Ranjan S/o-Sri Binod Kumar Ranjan, R/o- Flat no-Ranjan 2/A, Chandra Kutir Apartment, Ambedkar Path, near Punam Gas Godown, Bailey Road, Post-Bihar Vaitenery College, P.s-Rupaspur, Dist-Patna-14, presently residing at Nirmala Inclave, Flat No-1A, Near Janta Community Hall, Post-Bihar Vaitenery College, P.s-Rupaspur, Patna-14 Aadhar no-862388338226, Mob-9155059482/9431046611, Email-rishuraj94310@gmail.com

... .. Petitioner/s

Versus

1. The Examination controller of Bihar Combined Entrance Competitive Exam Board, Bailey Road, Patna.
2. The Union of India through the Director(Exam) N.T.A, 1st floor, NSIC-MDBP Building, Okhla Industries Estate, New Delhi-110020 Email-neet@nta.ac.in (An autonomous organization under the department of Higher Education, Ministry of Education, Govt. of India).
3. The Principal of Narayan Medical College and Hospital, Jamuhar, Sasaram, P.o -Jamuhar, P.s- Sasaram Mufasil, Dist-Rohtas-821305.
4. The State of Bihar through The Principal Secretary, Higher Education of Bihar Government, Patna.
5. The S.P, C.B.I, Patna

... .. Respondent/s

Appearance :

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| For the Petitioner/s | : | Mr. Shashi Bhushan Singh, Adv. |
| For the State | : | Mr. Pratik Kumar, AC to GA-11 |
| For the NTA | : | Ms. Chhaya Kirti, Adv. |
| For the CBI | : | Mr. Kumar Priya Ranjan, Sr. Panel Counsel Mr. Sudarshan Bhardwaj, Adv. |
| For the BCECE | : | Mr. Prasoon Sinha, Sr. Adv. Mr. Prabhat Kumar, Adv. |
| For the Resp. No. 3 | : | Mr. P K Shahi, Sr. Adv. Mr. Amish Kumar, Adv. |
| For the State | : | Mr. Raghwanand, GA 11 Mr. Sanjay Kumar Tiwari, AC to GA 11 |
| For the NMC | : | Mr. Kumar Priya Ranjan, Advocate |

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 23-12-2025

Heard the parties.

2. The petitioner, a 1st year student of MBBS course

for the session 2024-29, has invoked the jurisdiction of this



Court seeking quashing of the order cancelling his admission bearing No. NMCH/PO/25/84 dated 17.02.2025 issued by the Principal, Narayan Medical College & Hospital, Jamuhar, Sasaram, Rohtas issued in consequent to the order No. 188/25 dated 11.02.2025 by the Examination Controller of Bihar Combined Entrance Competitive Examination Board, Patna (hereinafter referred to the 'BCECE Board') as also the show cause notice dated 23.10.2024 issued by the National Testing Agency (hereinafter referred to as the 'NTA'). The petitioner also sought a direction to restore his admission in MBBS course and stay the operation of the impugned orders as afore noted.

3. The facts, as briefly, narrated in the writ petition are the petitioner, after having duly qualified the NEET(UG)-2024 Examination conducted by the NTA, was called upon for counselling by the BCECE Board, Patna and accordingly letter for admission was sent to the petitioner. The petitioner was finally admitted in Narayan Medical College & Hospital, Jamuhar, Sasaram, Rohtas. While the petitioner was pursuing 1st year course of MBBS, a show cause notice was issued by the NTA under letter bearing F.No.2024/CBI/264 dated 23.10.24 with an imputation that he was suspected to use unfair means in NEET (UG)-2024 Examination held on 5th May, 2024 and till



further order the result of the petitioner's NEET (UG)-2024 Examination was withheld. It is the specific contention of the petitioner that the afore noted show cause notice has never been served upon him and all on a sudden, Memo No. 188/2025 dated 11.02.2025 issued under the signature of the Examination Controller, BCECE, Board came to be passed directing the Institute in which the students were admitted to cancel their candidature and informed the Board. Consequently, the Principal of the Narayan Medical College & Hospital, Jamuhar, Sasaram, Rohtas vide order dated 17.02.2025 cancelled the admission of the petitioner with immediate effect and directed to vacate the hostel within 48 hours. It is these orders which are put to challenge by filing the present writ petition.

4. Learned Advocate for the petitioner while assailing the order of cancellation of the candidature of the petitioner has submitted that with respect to the paper leak and malpractices played by the candidates during the NEET (UG)-2024 Examination, a case was duly registered by the Central Bureau of Investigation (CBI) bearing Crime No. 358/2024 dated 05.05.2024, wherein neither the petitioner was named as accused nor during the course of investigation any cogent materials have been collected and charge sheet has been



submitted, against the petitioner, albeit only suspecting the use of unfair means, the candidature of the petitioner and the admission in the concerned College came to be cancelled. The petitioner has neither been served any notice nor any opportunity was afforded before cancellation of his admission. The entire career has been put on jeopardy without there being any material brought on record. The investigation is yet being conducted by the CBI and no final report has been submitted. Hence, keeping the entire career of the petitioner in lurch for an indefinite period would serve no purpose. In case the CBI comes to a definite conclusion based upon the scientific investigation suggesting the complicity of the petitioner in the crime leading to filing of the charge sheet, the cancellation of admission may be said to be justified. However, in the present case where more than one and a half years have been elapsed and the charge sheet has not been submitted, nonetheless the impugned orders came to be passed in hot haste manner. In case the petitioner would not be sent up for trial, there is no mode and manner to compensate the petitioner, much less, suspicion howsoever strong cannot take place of proof. In the aforesaid premise, learned Advocate for the petitioner submits that the impugned orders are wholly unsustainable and bad in



the eyes of law as well as on facts.

5. *Per contra*, Ms. Chhaya Kirti, learned Advocate representing the NTA has vigorously contended that the CBI is currently investigating six cases related to NEET (UG)-2024 Examination, out of these six cases, one was registered based on a written complaint lodged by the Ministry of Education, Government of Bihar. The remaining five cases have been taken over from the respective State Governments including one instituted with Shastri Nagar Police Station Case bearing Crime No. 358 dated 2024 on 05.05.2024 against accused Nitish and others under Sections 120B, 407, 408, 409 of the Indian Penal Code. The investigation is still underway and till date several candidates have been identified as being involved in various malpractices. List of such candidates have been shared with the NTA and the additional list of candidates, who are beneficiaries of the irregularities in NEET (UG)- 2024 Examination will also be shared in due course of time. The NTA is requested to take necessary action as deemed fit at its end.

6. The name of the petitioner was found in the list provided by the CBI. Taking note of the letter issued by the CBI, the NTA had issued show cause notice to the petitioner along with other candidates as to why appropriate action should



not be initiated, but he failed to submit any response within the time prescribed and thus the NTA vide its letter dated 01.11.2024 apprised the Director General of Health Services by giving the name of 21 candidates, including the name of the petitioner, who were identified by the CBI suspecting their involvement in malpractices in the NEET (UG)-2024 Examination and their results were accordingly withheld. Counselling and medical examination authorities were specifically advised to consider the cancellation of admission of such candidates in the larger interest of fairness and transparency in the admission process which led to cancellation of admission by the Board and the Principal of the Narayan Medical College & Hospital, Jamuhar, Sasaram, Rohtas.

7. Ms. Chhaya Kirti has also taken this Court through the decision rendered in the case of ***Vanshika Yadav vs. Union of India & Ors. [Writ Petition (Civil) No. 335 of 2024]***, wherein the Hon'ble Supreme Court while taking cognizance of the ongoing investigation of the CBI in cases relating to alleged malpractices in NEET (UG)-2024 Examination vide its order dated 23.07.2024 has categorically observed that "*In arriving at the ultimate conclusion, the Court is guided by the well-settled test of whether it is possible to segregate tainted students from*



those whose candidature does not suffer from any taint. If the investigation reveals the involvement of an increased number of beneficiaries over and above those who are suspects at the present stage, action shall be pursued against every student found to be involved in wrong doing at any stage, notwithstanding the completion of the counselling process. No student who is revealed to have engaged in acts of fraud or to have been the beneficiary of malpractice would be entitled to claim a vested right or interest in the continuation of the admission in the future by virtue of the findings in this judgment.”

8. Further, vide order dated 02.08.2024 by the Apex Court in the case of **Vanshika Yadav** (Supra), crystallized that nothing in this judgment shall be construed as a finding of fact in relation to criminal proceedings arising from the leak of the question paper or from other forms of malpractice. However, the ruling of the Court will not be relied on to refrain from prosecuting individuals found to have indulged in malpractice in any centres, irrespective of whether such fraud has already been identified or is identified in the future. Submitting the afore noted contention and referring to the decisions/observations of the Apex Court, the learned Advocate seeks dismissal of the writ



petition.

9. Before proceeding further, it would be worth noticing that this Court, on 23.09.2025, while hearing the case after taking note of the contention of the parties, directed the Union of India to get an instructions from the CBI and ensure filing of the counter affidavit. In pursuance thereof, a counter affidavit duly sworn by the Deputy Superintendent of Police, CBI EO-III, New Delhi has been filed.

10. Mr. Kumar Priya Ranjan, learned Senior Panel Counsel for the CBI has taken this Court through the averments made in the counter affidavit and submitted that in connection with Crime No. 358/2024 registered with Shastri Nagar P.S., an information has been received from the senior officers regarding a breach of integrity in the chain of custody/leakage of NEET (UG)-2024 Examination question paper for admission into Undergraduate Courses (MBBS/BDS). It was reported that an organized gang in collusion with some students and exam personnel had leaked the question paper. The investigation has revealed material facts regarding the involvement of various accused persons leading to filing of five charge sheets against altogether 45 named accused persons. It is further submitted that the question paper copies were distributed to candidates on



different locations, including one of the location is said to be Learn Play School, Patna and it has revealed that on 4th/5th May, 2024, the presence of the petitioner along with other candidates were found and captured in CCTV footage. It is further contended that the camera has captured the arrival and departure of the accused persons and the candidates on 4th/5th May, 2024. The petitioner appeared in the NEET (UG)-2024 Examination at examination centre, Tribhuvan School, Patna and scored 205 marks out of 720 with NEET All India Rank 955873 and accordingly got admission in Narayan Medical College & Hospital, Jamuhar, Sasaram, Bihar.

11. Mr. Kumar Priya Ranjan, learned Advocate for the CBI has also reiterated the order/observation rendered by the Apex Court in the case of *Vanshika Yadav* (Supra). However, he fairly submitted that the investigation with regard to the complicity of the petitioner in connection with the crime is still going on and yet charge sheet has not been submitted against the petitioner.

12. Learned Advocates for the State, BCECE, Board as well as the College submitted that so far the cancellation of admission of the petitioner is concerned, the same is consequent to the order passed by the NTA on the materials collected by the



CBI.

13. This Court has given anxious consideration to the submissions advanced by the learned Advocates for the respective parties and also perused the materials available on record. Before parting with the case it would be relevant to take note of the observations made by the Apex Court in the case of *Vanshika Yadav* (Supra); wherein the Court while taking cognizance of the ongoing investigation of the CBI in the case relating to alleged malpractices in NEET (UG) -2024 Examination, had clarified that no student who is revealed to have engaged in the acts of fraud or to have been the beneficiary of malpractice would be entitled to claim a vested right or interest in the continuation of the admission in the future by virtue of the findings in this judgment. The Apex Court emphasized that in absence of any evidence to indicate systematic leak, cancellation of an examination is unwarranted. If there is evidence to support that unfair means is meant, either for the purposes of gaining admission into professional and other courses or for the purpose of recruitment to a government, and the sanctity of the examination is found to be compromised at a systematic level and if it is not possible to separate the tainted candidates from untainted ones the Court may direct the



cancellation of an examination.

14. It would also be worth benefiting to note that the Apex Court while parting with the case of ***Vanshika Yadav*** has extended the liberty to the students that if he had/has an individual grievance not bearing on the issues which have been resolved by the judgment passed, to move before the jurisdictional High Court under Article 226 of the Constitution of India; however, at the same time, cautioned that:

“111. Nothing in this judgment shall be construed as a finding of fact in relation to criminal proceedings arising from the leak of the question paper or from other forms of malpractice. However, the ruling of the Court will not be relied on to refrain from prosecuting individuals found to have indulged in malpractice in any centres, irrespective of whether such fraud has already been identified or is identified in the future. Stringent action in accordance with law shall be taken against every candidate who is detected or who may hereafter be detected to have been the beneficiary of any malpractice.”

15. The Division Bench of the High Court of M.P. at Jabalpur in the case of ***Pratibha Singh Ku. (Minor) v. State of M.P. [2014(3) MPHT 178]***, while emphasizing the paramount importance of free and fair pre admission professional examination, observed as follows:

“40. Indisputably, the obligation to conduct free and fair pre- admission professional examinations is fully



vested in the State Government and which has been entrusted to the existing Board. That power not only encompasses authority to conduct the examination but also enquire into all matters concerning therewith or incidental thereto. That authority does not cease with the declaration of results of such examination. Any other view would not only be a pedantic view but also against public policy. For, that may result in perpetrating injustice caused to the better deserving and meritorious candidates, but, also perpetrating fraud played on the public examination process. In Law, any act of fraud vitiates the entire action. The product of fraud must be visited with the finding that it is non-est in the eyes of Law and viewed seriously. That issue can be considered even in collateral proceedings. In the case of [Ram Preeti Yadav](#) (supra) the Apex Court observed that once fraud is proved it will deprive the persons of all advantages or benefits obtained thereby and further delay in detection or in taking action so as to invoke argument of equity would be completely misplaced. The Court also restated the legal position that in the case of mass copying, principles of natural justice need not be strictly complied with. In that case the appellant had taken employment as a teacher on the basis of results in B.A. examination as well as M.A. examination. Result of the concerned examination was cancelled on 16th October, 1996, though the examination was conducted in the year 1984. Notwithstanding this fact, the Court opined that since the result of the examination was founded on commission of fraud that would deprive the appellant of all advantages or benefits obtained thereby.”

16. Now, it would also be pertinent to take note of the Information Bulletin of NEET(UG)-2024, especially Chapter 13 thereof, which predefined and declared the norms of the



Examinations. Clause 13.1 of the afore noted Information Bulletin talks about unfair means is an activity that allows a candidate to gain an unfair advantage over other candidates by making an exhaustive definition and includes various modes of unfair and malpractice. Clause 13.2 prescribes punishment for using unfair means practices with clear stipulation that during the course of, before, or after the examination if a candidate indulges in any of the above or similar practices, he/she shall be deemed to have used unfair practices and booked under Unfair Means (U.F.M.) case. The candidate would be debarred for three years in the future and shall also be liable for criminal action and/or any other action as deemed fit. Simultaneously, Clause 13.3 prescribes cancellation of result that the candidates who are found indulged in unfair means practice, their results will be cancelled and shall not be declared.

17. Bare perusal of the afore noted prescriptions and the decisions rendered by the Apex Court in the case *Vanshika Yadav* (supra), there is no doubt that the NTA is the competent authority to take appropriate action against the candidate who is found to have used unfair mans practice in NEET (UG)-2024 Examination.

18. Now, coming to the case at hand, this Court is



conscious of the fact that the crime in relation to breach of integrity in the chain of custody/leakage of NEET (UG) -2024 Examination question paper for admission into undergraduate was undertaken by an organized gang in collusion with some of the students and exam personnel and thus the investigation has been referred to the CBI. The investigation has categorically revealed the complicity of various accused and accordingly till date five charge sheets/additional charge sheets have been submitted and so far the investigation in relation to the petitioner is concerned, the same is going on. This Court is not aware of the fact as to whether the investigation with respect to the petitioner is at nascent stage or some cogent materials have been collected. It has also been informed to this Court that the presence of the petitioner along with other accused persons at Learn Play School in Patna has been captured in CCTV footage and thus suspected his complicity in the crime. However, it is also the fact that the investigation is yet to be completed.

19. It is no doubt that Article 21 of the Constitution of India creates a right in favour of the accused to be tried speedy; and right of speedy trial flowing from Article 21 encompasses all the stages, namely, the stage of investigation, inquiry, trial, appeal, revision and retrial, as has been held by the Constitution



Bench of this Court in *Abdul Rehman Antulay & Ors. Vs. R.S. Nayak & Anr [(1992) 1 SCC 225]*. However, at the same time it has been cautioned by the Apex Court that it is neither advisable nor practicable to fix any timelimit for trial of offences as well as investigation where crime is widespread in nature across the nation. To determine whether undue delay has occurred, one must have regard to the nature of offence and thus in an investigation being conducted by the CBI, no barrier is to be fixed. However, it is always expected that the investigation must be completed within a reasonable period of time, that too, when the career of the students is at stake. It is also the duty of the investigating agency as well as the court that to separate the grain from chaff so that a *bonafide* student may not suffer for his no fault. However, at the same time, the investigating agency or the court must be cautioned that any individual who is found to have been indulged in malpractice in any examination be dealt with sternly and no person/student who have been beneficiary of malpractice bear the fruit and benefit thereof; as the fraud vitiates every solemn act.

20. In view thereof, this Court does not find any cogent reason to interfere with the impugned order presently. Accordingly, the writ petition stands dismissed.



21. However, it is expected that the authorities/investigating officer, who are in seisin of the investigation, shall take all sincere efforts to conclude the investigation as earliest so that the *bonafide* and genuine student be saved from a stringent consequences of the criminal cases, which may cause adverse effect to his entire career and life.

22. This order further clarifies that it has not foreclosed the door of the petitioner, rather extended liberty to the CBI to come with a tentative conclusion based upon some cogent materials, so that a final decision can be taken in the interest of justice, by the concerned respondent authorities.

(Harish Kumar, J)

Anjani/-

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| CAV DATE | NA |
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