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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 3732/2012 & CM.7831/2012

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Judgment dated 31.07.2012

SHIVANGI GUPTA

..... Petitioner

Through: Mr.R.K. Handoo and Mr.Yoginder
Handoo and Mr.S.P. Pandey, Advs

versus

NATIONAL LAW UNIVERISTY JODHPUR & ANR..... Respondent

Through: Mr.Sandeep Sethi, Sr. Advocate with
Mr.Anand Varma and Mr.Amit Pathak,
Advocates

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

G.S.SISTANI, J (ORAL)

1. Rule.
2. With the consent of counsel for the parties, the writ petition is set down for final hearing and disposal. The necessary facts to be noticed for disposal of this writ petition are that the petitioner appeared in the Senior Secondary School Examination, 2012 conducted by CBSE and cleared the same. Petitioner, thereafter applied and appeared in the Common Law Admission Test (CLAT), 2012. This exam was conducted on 13.05.2012. It may be noticed that the CLAT examination is conducted by the National Law Schools every year on rotation basis in sequence to their establishment and accordingly this year's exam was conducted by the respondents, National Law University, Jodhpur, Rajasthan, for 14 National Law Schools/ Universities for admission to the under graduate

degree programme; and the successful candidates are to be allotted to all other National Law Schools/ Universities, as per their All India Rank in (CLAT), 2012, for the year 2012. The result of this examination was declared on 28.05.2011. The petitioner has secured 113 marks, while the cut-off declared by the respondent is 123 marks. Since the marks of the petitioner were less than the cut-off declared by the respondent, the petitioner could not qualify for admission in the B.A./BSc./B.B.A./BSW/B.Com. LLB (Hons.) Degree course. The All India Rank of the petitioner is 2719. According to the petitioner, the information brochure which was provided by the respondents along with the application form specified the syllabus for Common Law Admission Test.

3. Mr.Handoo, counsel for the petitioner has relied on various clauses of the brochure to show that the respondents have asked such questions in the legal aptitude section which are incomplete in nature. It is the case of the petitioner that the questions are out of the syllabus and the inclusion of these questions in the examination has rendered the preparation of the petitioner as nugatory and consequently the petitioner was incapable to answer these questions on the basis of the preparation of the syllabus.
4. Counsel for the petitioner submits that the exam conducted and result declared is not the true test of ability / merit, but a test based on hit and trial where merit has become a casualty. Counsel for the petitioner contends that with a view to get the anomaly corrected in the question paper, the petitioner made a representation to the respondents and also an application under Right to Information Act. Since no positive reply was received from the respondents, petitioner filed a writ petition No.3675/2012.
5. In the aforesaid writ petition, this Court directed the respondents to upload

the question paper and model answer key. Mr.Handoo, counsel for the petitioner submits that the question paper has revealed three types of irregularities which has rendered the whole process perfunctory and have caused great prejudice to the petitioner. Counsel for the petitioner has categorized the irregularities in the whole process and has submitted that there are questions which are wrongly answered in the model answer key (hereinafter referred to as ‘category-1’); there are questions which relate to the field of legal aptitude, which are incomplete in nature, as the question paper did not supply enough information i.e. principle on the basis of which the question is to be answered (hereinafter referred to as ‘category-2’) and questions which are out of syllabus (hereinafter referred to as ‘category-3’). In the writ petition the petitioner has given examples of these questions. As per the petitioner, the answer key, has suggested wrong answers to the following questions: i.e. question Nos.56, 86, 186, 193, 197, 200. For the sake of illustration, question no.56 is reproduced below:

“QUESTION NO.56:

Identify the Indian Tennis player who has turned Hollywood filmmaker?

- (A) Vijay Amritraj
- (B) Mahesh Bhupathi
- (C) Leander Paes
- (D) Ashok Amritraj

Answer key suggests that the correct answer is (A), which is wrong. The correct answer is (D)”

6. Similarly in category-2, legal aptitude 18 questions are stated to be incomplete; and in category-3, the respondents did not confine themselves

to the syllabus and there were several questions which are neither relate to current affairs nor fall in the period from March, 2011 to March, 2012, but were spread over the field of science, geography and history, details of these questions have been reproduced in the writ petition. It is also the case of the petitioner that several other questions which are not framed as per the prospectus syllabus and are very complex and require prior knowledge of law. It is the case of the petitioner that she has secured 113 marks against the cut-off 123 marks and answers to six questions are found wrong, which have adversely affected the merit of the petitioner, resulting in denial of a fair chance to compete in the exam.

7. Elaborating his argument further Mr.Handoo, counsel for the petitioner has placed reliance on the admission brochure and more particularly at serial nos.2, 5 which are reproduced below:

“2. General Knowledge / Current Affairs

This section will only test students on their knowledge of current affairs (broadly defined as matters featuring in the mainstream media between March, 2011 and March, 2012).

5. Legal Aptitude

This section will test students only on “legal aptitude”. Questions will be framed with the help of legal propositions (described in the paper), and a set of facts to which the said proposition has to be applied. Some propositions may not be “true” in the real sense (e.g. the legal proposition might be that any person who speaks in a movie hall and disturbs others who are watching the movie will be banned from entering any movie theatre across India for one year). Candidates will have to assume the “truth” of these propositions and answer the question accordingly.

Candidates will not be tested on any prior knowledge of law or legal concepts. If a technical/ legal term is used in the question, that term will be explained in the question itself.

For example, if the word patent is used, the meaning of patent (“a legal monopoly granted by the government for certain kinds of inventions”) will also be explained.”

8. It is submitted that the questions of general knowledge were not current in nature and neither they were with respect to the period between March, 2011 and March, 2012.
9. Mr.Handoo, learned counsel for the petitioner, submits that respondents have asked such questions in legal aptitude, which are incomplete in nature, and questions were also out of syllabus. With respect to Category 2 (Legal Aptitude) it is the case of the petitioner that this section is of great importance because the score of this Section will decide in case of tie between two candidates. According to the petitioner, in this section there is a heavy deviation of syllabus by the respondents. The questions asked in this section are incomplete in nature or else they did not provide the principle on the basis of which the question is supposed to be solved or they have asked such questions, which pre-supposes a deep knowledge of law, which is not the purpose of the examination. The examples of such questions have been given by the petitioner. With regard to Category 3 (General Knowledge/Current Affairs) Mr.Handoo submits that respondents did not confine themselves to the syllabus and there were several questions, which neither relate to current affairs nor fall to the period between 2011 to March, 2012, but were spread over the fields of Science, Geography and History. Illustrations of these questions have been given in the petition. Q 52 reads as under:

QUESTION 52

Which is the largest gland in the human body?

(A) Pancreas

- (B) Liver
- (C) Thyroid
- (D) Pituitary

10. Reliance is placed on **Kanpur University & Ors. Vs. Samir Gupta & Ors.** AIR 1983 SC 1230 by Mr.Handoo, in support of his submission that in multiple choice objective type test, the examiner must ensure that the questions are unambiguous. Paragraph 18 of the judgment reads as under:

“18..... Fourthly, in a system of ‘Multiple Choice Objective type test’, care must be taken to see that questions having an ambiguous import are not set in the papers. That kind of system of examination involves merely the tick-marking of the correct answer. It leaves no scope for reasoning or argument. The answer is ‘yes’ or ‘no’. That is why the questions have to be clear and unequivocal. Lastly, if the attention of the University is drawn to any defect in a key answer or any ambiguity in a question set in the examination, prompt and timely decision must be taken by the University to declare that the suspect question will be excluded from the paper and no marks assigned to it.”

11. Reliance is also placed by Mr.Handoo, on a decision of this court in the case of **Surjit Saurva Vs. High Court of Delhi & Anr.** [WP(C)No. 8028/2008], in support of his plea that in case the Court comes to the conclusion that the questions were outside the syllabus, the questions are to be withdrawn from the examination.
12. Mr.Sandeep Sethi, learned senior counsel for the respondent submits that there is no substance in the contention raised by the petitioner. Mr.Sethi, also submits that each law schools owes its existence under the Statute enacted by the State Legislature and almost all the law schools are headed by Hon’ble Chief Justice of India, as visitor and the Chief Justices of the

respective High Courts, as Chancellors. Realizing the difficulties of the aspiring candidates to appear in a competitive examination conducted by different Law Schools, the Chief Justice of India and the Visitor convened a meeting of the Vice Chancellors of the 7 Law Schools in the year 2007. It was agreed between all the National Law Schools in the presence of the representative of the Ministry of Human Resources, Vice Chairman of the University Grants Commission and the Chairman of the Bar Council of India that CLAT shall be conducted every year by rotation by each of the 7 National Law Schools, beginning with the oldest amongst them. An MOU was signed which provided that there shall be a Committee known as Core Committee for the purpose of describing and providing all policies in respect of CLAT. All the Vice Chancellors of existing 14 National Law Schools are Members of the Core Committee. There is an Implementation Committee consisting of all the Registrars of the 14 National Law Schools. There is a complete procedure provided for conducting the CLAT examination. The entire admission process through CLAT is time-tested because of the strict adherence to the time-bound academic schedule. The CLAT tried to make best assessment of the aspiring candidates' mental and analysis reasoning. The test goes beyond subject knowledge gained from different Central or State Board syllabus for XI or XII standard. Application oriented questions (essential for the regime of legal education) figures in the question paper.

13. Mr.Sethi, counsel for the respondent has also stated that out of 23885 candidates, who appeared, admissions were given to the successful candidates in 14 National Law Schools. They were asked to deposit the fees on or before 9th June, 2012. The candidates who failed to deposit the fees, their names were struck-off and 2nd list was issued reshuffling the candidates as per their higher choice. The CLAT has taken the entire

exercise in 4 rounds. The last round was completed on 30th June, 2012. The last candidate admitted in NLUJA, Assam with his All India Rank at Serial Number 1354 in General category. Now, the entire process through CLAT is closed. All the seats have been filled-in. The students have been admitted in all the 14 National Law Schools and they have deposited their fees. After 30th June, 2012, the CLAT has nothing to do with the admission process. It is entirely between the students and the concerned National Law School.

14. It is contended by Mr.Sethi, that in view of the fact that the entire admission process stands completed a right stands vested in a large number of students, who have been admitted in the National Law School. The studies have commenced from 02.07.2012, except in one or two law schools. Thus any interference in the admission process by way of revision of result or quashing the entire examination process cannot be considered without opportunity being given to each national law school and the students admitted therein. Mr.Sethi, contends that in the absence of the students who would be affected, the present writ petition is liable to be dismissed on account of non-joinder of parties. Reliance is placed on **K.H. Siraj Vs. High Court of Kerala** 2006 (6) SCC 395 para 75 wherein it has been held that all the candidates in the select list should be impleaded as party to the writ petition as otherwise, they will be affected without being heard. The contention with respect to the publication in the newspaper was also rejected as it was not a case of un-specified number of people affected. As per the list of candidates admitted to different Law Schools, the name of each student has been given.
15. Mr.Sethi, also submits that in the aforesaid decision the writ petition was dismissed for non-joinder of parties. Reliance is also placed in the case of **Bhagwanti Vs. Subordinate Services Selection Board, Haryana and Ors.**

1995 Supp (2) SCC 663, the Hon'ble Supreme Court, set aside the judgment of the High Court on the ground of non-joinder of parties. The court held that "... it is settled position of law that no order of determent can be passed without hearing.....". Counsel for the respondent has also placed reliance in the case of **Ishwar Singh Vs. Kuldip Singh** 1995 Supp (1) SCC 179, wherein the Apex Court has held that when appointment has already been made, the requirement of natural justice as an opportunity of hearing is given to the said parties; and reliance is also placed in the case of **State of Karala Vs. W.I. Services & Estates Limited and Ors.** (1998) 5 SCC 583, wherein the writ petition was dismissed as not maintainable in absence of the candidates selected as parties.

16. Mr.Sethi, further submits that a minor group less than 50 aspiring candidates have approached the respondents, some of whom have also filed representations. It is contended by counsel for the respondent that the CLAT question paper has been set by a group of experts in the field with high reputation, who are familiar with the pattern provided in the brochure of CLAT-2012, and the same is moderated by another equally eminent group of experts, which would rule out any sort of possibility of any question of being out of pattern provided or wrong answers provided in the CLAT key.
17. Counsel for the respondent further submits that after the examination was conducted the assertions made in the different representations have been examined by a committee of three experts appointed by the Convener which found the question paper and key absolutely in order. The Committee has recorded reasons for the conclusions arrived at by them. While relying upon **Sanchit Bansal Vs. Joint Admission Board** (2012) 1 SCC 157, Mr.Sethi submits that the petitioner cannot ask for the substitution of reasoning advanced by her in comparison to the experts

consistent opinion and the academic matters being specialized courses, which are technical in nature, there should be no interference by the Courts with the evaluation process. PARA 38 & 39 reads as under:

“38. We may note that even now many feel that the current pattern of IIT- Joint Entrance Examination, has failed to ensure the selection of best among the aspirants. They feel that that coaching classes have given several candidates of limited ability an edge over others, by training them to answer the multiple choice questions and get through, thereby blocking the chances of better candidates with deeper understanding of concepts and analytical skills required for a course of study at IITs. They also suggest that weightage should be given to class XII marks, in selection to IITs, so that the coaching class culture is discouraged. On the other hand coaching centres contend that the improve the skills of the candidates and make them ready for the undergoing the tough course. There are those who are satisfied with the existing system and those who find several faults with it. All that can be said is that the selection process requires to be upgraded and fine tuned year after year with periodic changes in the process, so that the selection process and examination remain relevant and meaningful. But all aspects connected with the process are technical falling within the purview of the professional experts in charge and the role of the courts is very limited.

39. The procedure adopted in JEE 2006 may not be the best of procedures, nor as sound and effective as the present procedures. In fact the action taken by the appellants in challenging the procedure for JEE 2006, their attempts to bring in transparency in the procedure by various RTI applications, and the debate generated by the several views of experts during the course of the writ proceedings, have helped in making the merit ranking process more transparent and accurate. IITs and the candidates who now participate in the examinations must, to a certain extent, thank the appellants for their effort in bringing such transparency and accuracy in the ranking procedure. But there is no ground for that Courts to interfere with the procedure, even if it was not accurate or efficient, in the absence of malafides or arbitrariness or violation of law. It is true that if in JEE 2006, a different or better process had been adopted, or the process now in vogue had been adopted, the

results would have been different and the first appellant might have obtained a seat. But on that ground it is not possible to impute malafides or arbitrariness, or grant any relief to the first appellant. Therefore, the appellant will have to be satisfied in being one of the many unsung heroes who helped in improving the system.”

18. On the merits of the matter with regard to the irregularities in the question paper, counsel for the respondent submits that there were no irregularities. Referring to the question number 56 of the question book-let, it is contended that according to the petitioner instead of option (A), answer should have been option (D). The said question refers to the identification of the tennis player, who turned Hollywood filmmaker recently. According to the petitioner, the correct answer is Ashok Amritraj, as he has 100 movies to his credit. Mr.Sethi, learned senior counsel for the respondent contends that the information brochure issued by the CLAT office clearly indicated that “the current affairs (broadly defined as matters featuring in the mainstream media between March, 2011 and March, 2012)”. It is thus submitted that the CLAT question paper pertains to examine in reference of the above to ask students to identify the tennis player, who turned into a Hollywood film maker in 2011 or 2012, and thus the latest and correction option is the Vijay Amritraj. Mr.Sethi, also submits that the information brochure clearly shows that the different subject areas of the exam include General Knowledge/ Current Affairs, which are two separate heads; and there can be no change to the questions relating to General Knowledge, and Current Affairs are bound to be current. Clause 2 of the Information Booklet reads as under:

“General Knowledge / Current Affairs

This section will only test students on their knowledge of current affairs (broadly defined as matters featuring in the mainstream media between March, 2011 and March, 2012).”

19. Same explanation has been rendered by learned senior counsel for respondent with regard to question no.86 as to Priyanka Chopra being the National Ambassador of which organization. Mr.Sethi, contends that Priyanka Chopra was the National Ambassador of UNICEF earlier, but currently she is the National Ambassador of UNESCO.
20. In the counter affidavit explanations have been rendered with regard to questions in category No.2 and category no.3. With regard to category no.2, it has been denied that the questions are incomplete or there is deviation in syllabus or that they pre-suppose deep knowledge of law of the candidate. Mr.Sethi, has clarified that a candidate, who aspires to study law from the premier law Institution of the country would know some of the broad terms, which are commonly used in day-to-day affairs of life. Thus terms do not require in-depth knowledge of law and thus the allegations of the petitioner cannot be sustained according to the respondent. Mr.Sethi has also submitted that CLAT is a competitive entrance test different from a qualifying examination. The term 'syllabus' is known in qualifying examination and not in competitive test. It goes beyond the subject knowledge gained from different Central and State Board syllabus, and the entire purpose is to find a comparative merit to study in National Law Schools. Accordingly, the Core Committee provided pattern of a 200 marks divided in 5 sections i.e. (i) English including Comprehension (ii) General Knowledge/ Current Affairs; (iii) Elementary Mathematics and Numerical Ability; (iv) Legal Aptitude; and (v) Logical reasoning. Even otherwise, it is submitted that the present petition is without any merit, as the cut-off marks in the General category is 1354 and the petitioner stands in All India Rank at 2719. Even if the petitioner's case is considered for

admission at bottom at NLUJA Assam, even then there are 1365 candidates above her.

21. In response to the submissions made by Mr.Sethi, counsel for the petitioner in rejoinder has submitted that even in case the admission process has come to an end, as is contended by Mr.Sethi, the court is not powerless and the court can direct respondent to create a seat in favour of the petitioner. In support of this contention, Mr.Handoo, has placed reliance on a judgment rendered in the case **Miss Harleen K. Bains Vs. The University of Delhi & Anr.** [WP(C)No.5015/2010 decided on 17.08.2010] where a Single Judge of this court has directed the college to create an addition seat for the petitioner.
22. Mr.Handoo, has also refuted the submissions of Mr.Sethi, that there was no real syllabus prescribed, as the MOU itself talks about the syllabus. Strong reliance has been placed by Mr.Handoo, on a decision rendered by the Division Bench of this court in the case **Gunjan Sinha Jain Vs. Registrar General, High Court of Delhi** [WP(C)No.449/2012 decided on 09.04.2012], to buttress his argument that in the aforesaid matter the court had come to the conclusion that some of the answers, to the question paper set in the matter, shown in the Key answers, were found to be incorrect; the questions were out of syllabus and answer in the key answer were debatable; question where there were more than one correct option etc., and had directed re-valuation to be carried out. Thus it is contended that the explanation rendered in the writ petition with regard to some of the questions being incorrect or out of syllabus, the same option should be followed by this court in the present matter.
23. I have heard learned counsel for the parties and given my thoughtful consideration to the matter. With regard to the questions relating to

Category I (questions wrongly answered), it may be noticed that according to the petitioner six questions were wrongly answered in the Model Answer Key as provided by the respondents. The questions have been extracted in para 11 of the petition. According to the petition, the correct answer to question 56 is (D) and not (A), as suggested by the answer key. In the counter affidavit an explanation has been rendered by the respondents that the stand of the petitioner that correct answer is Ashok Amrit Raj is incorrect as this question pertains to the current affairs and the Tennis player, who has turned into a Hollywood film maker is Vijay Amrit Raj. The latest position is that Vijay Amrit Raj along with Mr.Matty Beckerman, as Executive Producers, are producing a movie called 'Bleeder' as announced by the Hyde International Park. In this movie Mike Tollin and Carl Hampe are working as producers. The movie is a boxing drama. The submission made by counsel for the petitioner with regard to Category No.1 questions, is thus unacceptable. The respondents have given the explanation and the correct answers with regard to the questions relating to Category No.1. There is force in the submission made, as the question is to be answered as on the date when the question was asked. The questions relating to Category No.2, i.e. question No.56 and 86, also relate to the current affairs, and thus, it cannot be said that the answers to this questions were wrong. According to the petitioner, questions in the Category No.2 'legal aptitude' which have been asked by the respondents, are beyond the syllabus and are incomplete in nature, nor did they provide the principle on the basis of which the question is supposed to be solved; more so, such questions presupposes a deep knowledge of law, which is not the purpose of this examination. The question no.186 which is extracted in the petition, is reproduced below:

“QUESTION NO.186:

X, a married woman, agreed to live in adultery with B and also agreed to serve him as his housekeeper. In return, B agreed to pay X Rs.500 per month for living in adultery and Rs.500 per month for housekeeping. The agreement is :

- (A) Valid
- (B) Void
- (C) Void as to the first object but valid with respect to the second object.
- (D) Unlawful as being opposed to public policy.

24. According to the petitioner, the correct option could be option (C) instead of option (D). The petitioner has sought illustration appended to Section 24 of the Indian Contract Act, 1892. The explanation rendered in this behalf by Mr.Sethi, that a valid contract consideration and object both must be legal then only that agreement can be considered to be valid as per the Indian Contract Act. Section 23 of the Indian Contract Act, 1872 lays down that the consideration or object of an agreement is unlawful if it is forbidden by law or would defeat the provision of law, or would involve injury to the person or property of another, or the court considers it immoral or opposed to public policy. When the consideration or object is unlawful, the agreement is void. Thus, as per common sense, good understanding and ultimately keeping in mind Section 23 of Indian Contract Act, 1872 the correct answer to the above question will be option ‘D’ only and not as suggested by the petitioner. In view thereof, Mr.Sethi, submits that the suggestion of the petitioner is not sustainable and liable to be rejected as well.

25. I find no infirmity in the explanation rendered by the respondent, and thus

it cannot be said that the respondent has asked questions which are incomplete in nature or they did not provide the principles on the basis of which the question is supposed to be solved or pre-supposes that a child would have deep knowledge of law, especially in view of the nature of examination for the top national law schools of the country. It is expected that the candidates would know some of the broad terms which are commonly used in the day-to-day affairs of life. As far as the Category No.3 is concerned, it is the case of the petitioner that the respondents did not confine themselves to the syllabus, as there were several questions which neither related to current affairs nor did they fall in the period from March, 2011 to March, 2012, but were spread over fields of Science, Geography and History. Such questions have been extracted in the petition. Question 52 reads as under:

QUESTION 52

which is the largest gland in the human body.

- (A) Pancreas
- (B) Liver
- (C) Thyroid
- (D) Pituitary

26. In my view the petitioner has misread Clause 2 of the Admission Booklet. As per Clause 2 a student is to be tested for General Knowledge and Current Affairs. The Current Affair has been defined as ‘matters featuring in the main stream media between March, 2011, to March, 2012’. The questions like - whose teaching inspired the French Revolution? (Q 43); which is the largest gland in human body? (Q 52); which strait separates Europe from Africa? (Q 54); Taiwan was earlier known as (Q 55); *and* such other questions, pertain to General Knowledge. The largest gland in

the body is likely to remain the same in the year 2011-2012 or which strait separates Europe from Africa during the period 2011-2012 remains the same as twenty years back. So these clearly fall in the category of General Knowledge. The questions with regard to Ajay Amrit Raj and Vijay Amrit Raj or Priyanka Chopra would fall in the second category i.e. Current Affairs. Thus it cannot be said that these questions were out of syllabus.

27. The Court has also perused the answers and the reasoning given by the respondents in the counter affidavit. The explanation, which is rendered is more than satisfactory and requires no interference. There is force in the submission made by Mr.Sethi while placing reliance on the decision rendered by the Apex Court in the case of *Sachit Bansal* (supra) that the Court should not interfere with the procedure even if it was not accurate or efficient in the absence of mala fide or arbitrariness.
28. In the facts of the present case, it cannot be said that the procedure was not accurate or efficient. As per the counter affidavit almost all the Law Schools are headed by the Hon'ble Chief Justices of India as Visitor and the Hon'ble Chief Justices of the respective High Courts as Chancellors. The Hon'ble Chief Justices of India and the Visitor convened a meeting of the Vice Chancellors of the seven Law Schools in the year 2007 wherein it was agreed between all the Law Universities that there would be a Common Law Admission Test for all the Law Schools. A MOU was entered into between the seven Law Schools in the presence of the representative of the Ministry of Human Resource, Vice-Chairman of the University Grants Commission and the Chairman of the Bar Council of India. The Memorandum of Understanding provided that there should be a Committee known as Core Committee for the purpose of describing and providing all the policies in respect of CLAT. All the Vice-Chancellors of existing 14 National Law Schools are Members of the Core Committee.

Besides an Implementation Committee has been formed consisting of all the Registrars of 14 National Law Schools. A procedure has been defined for conducting the CLAT examination.

29. It is not for this Court to sit over the wisdom of such a Committee. The representations made by the petitioner and such other candidates were also referred to a Committee of three experts appointed by the Convener, which has found the question paper and the key absolutely in order. The Committee has recorded the reasons for the conclusions arrived at by them and thus the Court has no reason to take another view in this matter.
30. The present petition can also not be entertained for the reasons that the successful candidates were asked to deposit their fee on or before 9.6.2012. The entire exercise of carrying out admissions has lasted for four rounds as per the notifications dated 28.5.2012, 12.6.2012, 21.6.2012 and 30.6.2012. At this stage CLAT has nothing to do with the admission process and it is now between the students and the concerned National Law Schools. Thus, no interference can be made with the admission process by revising the result or quashing the entire examination process. The petition is also liable to be rejected on the ground of non-joinder of party. It has been held that all the candidates, who had participated in the exam, should be impleaded as a party otherwise they would be affected without being heard as held in *K.H. Seraj v. High Court of Kerala*, reported at 2006 (6) SCC 395; *Bhagwanti v. Subordinate Services Selection Board, Haryana*, reported at 1995 Suppl. (2) SCC 663; *Ishwar Singh v. Kuldeep Singh*, reported at 1995 Suppl. (1) SCC 179; and *State of Kerala v. W.I. Services & Estates Limited and Others*, reported at (1998) 5 SCC 583. The petition cannot also be entertained in view of the fact that this court has come to the conclusion that the questions were not wrongly answered in the book-let nor the questions were incomplete in

nature. The questions asked did not pre-suppose a deep knowledge of law, neither the questions were beyond the syllabus.

31. In view of above, writ petition and application are dismissed with no order as to costs.

G.S.SISTANI, J

JULY 31, 2012
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