

Court No. - 49

Reserved
A.F.R.

Case :- WRIT - A No. - 10952 of 2024

Petitioner :- Ashish Vashisht

Respondent :- State of U.P. and others

Counsel for Petitioner :- Sudhanshu Pandey

Counsel for Respondent :- C.S.C.,M.N. Singh, Sanjay Kumar Om

CONNECTED WITH

Case :- WRIT - A No. - 11207 of 2024

Petitioner :- Arvind

Respondent :- State of U.P. and another

Counsel for Petitioner :- Seemant Singh, Vivek Singh

Counsel for Respondent :- C.S.C.,M.N. Singh, Sanjay Kumar Om

Case :- WRIT - A No. - 11692 of 2024

Petitioner :- Akanksha Gupta and another

Respondent :- Uttar Pradesh Public Service Commission and others

Counsel for Petitioner :- Prachi Shukla, Suryansh Mishra

Counsel for Respondent :- C.S.C.,M.N. Singh, Sanjay Kumar Om

Case :- WRIT - A No. - 15347 of 2024

Petitioner :- Nisha Rai

Respondent :- State of U.P. and others

Counsel for Petitioner :- Anurag Rai

Counsel for Respondent :- C.S.C., Sanjay Kumar Om

AND

Case :- WRIT - A No. - 15367 of 2024

Petitioner :- Abhishek Kumar

Respondent :- State of U.P. and others

Counsel for Petitioner :- Harish Chandra Dwivedi

Counsel for Respondent :- C.S.C.,M.N. Singh, Sanjay Kumar Om

Hon'ble J.J. Munir, J.

1. This judgment will dispose of Writ-A No.10952 of 2024, along with connected Writ-A Nos. 11207 of 2024, 11692 of 2024, 15347 of 2024 and 15367 of 2024, which involve common questions of

fact and law, except some individual features on facts, which will be noticed in the course of this judgment.

2. Writ-A No.10952 of 2024 has been heard as the leading case and the facts common to all matters are noticed from the said writ petition. Of course, the individual features of each case will be briefly noticed.

3. The Uttar Pradesh Public Service Commission issued an advertisement dated 19.09.2023, bearing No. A-5/E-1/2023, which shall hereinafter be referred to as 'the advertisement', inviting applications for selection and appointment to the post of Additional Private Secretary in the U.P. Secretariat, the Uttar Pradesh Public Service Commission (for short, 'the Commission') and the Board of Revenue, U.P. The last date for submission of online applications was 19.10.2023. According to the advertisement, the number of vacancies was 328, which could be increased or decreased, depending upon the circumstances and requirement. The examination was provided to be held in three stages. In the first stage was a written examination, carrying 150 marks. The second stage comprised a Shorthand (Hindi) Test worth 75 marks. This was followed by a Computer Typing Test in Hindi worth 25 marks as a part of the second stage. In the third stage was a Computer Practical Examination, carrying 50 marks. It was provided that after qualifying the written test, the candidates would appear in the Shorthand and Computer Typing Test. Those who qualified the second stage would appear in the third and the final stage of the examination as aforesaid. The total marks, on the basis whereof selections were to be held, were a figure of 300. The facts mentioned so far are common to all the writ petitions.

4. This takes us to the facts of the petitioner's case in the leading petition.

5. The petitioner is the holder of a B.Tech. Degree in Computer Science with knowledge of Shorthand and Typing. He was eligible to apply for the post of Additional Private Secretary. He did so online on 04.10.2023 in the Unreserved Category. The petitioner's application was found in order and complete. Accordingly, a One Time Registration (OTR) No. 632331071451 was allotted to him. Next, he was issued with an Admit Card for sitting the written examination. He was assigned Roll No. 076174. Upon receipt of the Admit Card, the petitioner appeared in the Written Examination (Stage-01) held on 07.01.2024 at the Suresh Devi Hemchandra Tyagi Sarswati Vidya Mandir Inter College, Meerut from 9.30 a.m. to 12.30 p.m. The declaration of result saw the petitioner successful in Stage-01 of the Examination.

6. The petitioner asserts that he tallied his Optical Mark Recognition (OMR) Sheet with the Answer Key and the assessment being objective, he says that he would have earned 112 out of 150 marks. The petitioner moved on to the Second Stage of the selection process and was issued with an Admit Card, enabling him to write his Shorthand Test, followed by the Hindi Typing Test. The Second Stage of selection comprising the Shorthand and the Hindi Typing Test was held on 11.07.2024 in the post lunch hours from 2.00 to 5.30 p.m. at the Government Industrial Training Institute, Lucknow, where the petitioner appeared. According to him, the proficiency criterion for the Shorthand Test was 80 words per minute during dictation and the time-limit, five minutes. During the next part of the examination involving the Hindi Typing Test, the criterion was 25 words per minute and the time duration five minutes. The petitioner says that he successfully completed the Shorthand Test and then appeared in the Hindi Typing Test. During the Typing Test, the software of the computer allotted to the petitioner malfunctioned. It hung for two

minutes, in consequence whereof, the petitioner could not complete his typing test, as the time period for the test was five minutes.

7. The petitioner asserts that the examination involving the component of typing was captured on a CCTV Camera. It is the petitioner's case that when the computer hung and malfunctioned, he contacted the Invigilator and Centre In-charge, conveying them his problem about non-functioning of the computer system for two minutes during the Hindi Typing Test and requested them to do the needful. He demanded 'time' opportunity for completing his typing test. The Centre In-charge orally refused to extend any assistance to the petitioner and advised him to move an application before the Commission. On the same day i.e. 11.07.2024, the petitioner rushed from Lucknow to Prayagraj, reaching station during night hours. On the day following i.e. 12.07.2024, he moved an application before the Secretary to the Commission, requesting an opportunity for writing the Hindi Typing Test afresh. The said application was duly received in the office of the Secretary to the Commission. The petitioner also sent his application via email, one to the Secretary to the Commission and the other to the Chairman of the Commission, also on 12.07.2024. Both the applications received no attention, either from the Chairman or the Secretary. The petitioner made a further request to the Secretary by moving an application dated 18.07.2024, which too, he asserts, was duly received in the office of the Secretary.

8. It is the petitioner's case that the result of the shorthand and the typing test has not been declared by the Commission and the Stage-03 of the Examination was to be held shortly. The petitioner asserts that he is a meritorious student and earlier appeared in multiple typing examinations, including those held for the position of ARO by this Court and the Uttar Pradesh Sub-Inspector Steno

Examination held last year. He passed this component of the examination in both. The petitioner asserts that his stenography and the typing speed are good and better than the requirement. However, due to malfunction of the computer system during the Hindi Typing Test, he could not complete the test. The crux of the petitioner's submission is that his proficiency in typing cannot be discounted or misjudged on account of machine failure. This would be gross injustice and much prejudice to him would follow. The petitioner alleges denial of fair opportunity to write his Hindi Typing Test and claims that the inaction of the Commission, in turning a Nelson's eye to his very forthright and genuine grievance, which occasions serious prejudice to him in the matter of selection to a service under the State, ought invite intervention of this Court by issuing a suitable direction to the Commission to conduct a typing test in Hindi for the petitioner afresh.

9. The grounds on which the other petitioners have assailed the examination process and claim relief are the same as those involved in this petition.

10. On 02.08.2024, when this petition came up for hearing, this Court summoned the CCTV Footage relating to the typing test. On 20.08.2024, when the matter came up, the CCTV Footage relating to the typing test involved in this petition and some of the connected matters was produced. The footage was viewed in regard to those writ petitions, where available. On 03.09.2024, the typing sheets relating to the petitioner here and those in the connected matters were produced. These were placed in a sealed cover and entrusted to the custody of the learned Registrar General.

11. On 26.09.2024, a counter affidavit was filed on behalf of the Commission, that is to say, both respondents Nos. 2 and 3, by Mr.

Sanjay Kumar Om, learned Counsel. The petitioner being granted time to file a rejoinder, on 01.10.2024, filed his rejoinder. This petition was admitted to hearing on 04.10.2024, which proceeded for some time and then adjourned to 22.10.2024. Under the orders of His Lordship the Hon'ble The Chief Justice, on account of the change of roster, this petition and the connected matters were nominated to this Bench on 19.10.2024. There was a second viewing of the video clips done in chambers on 12.12.2024, in the presence of the learned Counsel for all parties with regard to the leading petition and Writ-A Nos.11207 of 2024 and 11692 of 2024. As the order of the day on 13.12.2024 shows, video clips relating to the three other connected matters, to wit, Writ-A Nos.15347 of 2024, 15367 of 2024 and 19423 of 2024 were not available. These were accordingly directed to be produced on 17.12.2024, when the matter was posted in chambers again. On 17.12.2024, though the learned Counsel for parties appeared when the matter came up for viewing of the video clips in chambers, the video clips were not available. The Commission sought time to produce the video clips. There were a number of adjournments to secure the video clips. Ultimately, all the video clips were viewed together, except the one in Writ-A No.19423 of 2024, which was not available. This petition, along with the connected matters, was finally heard on 21.01.2025 and judgment reserved.

12. In Writ-A No.19423 of 2024, since the records were not available and the learned Counsel also did not appear, the following order was made:

"Case called on. No one appears for the petitioner.

Let the present petition be de-tagged from Writ - A No. 10952 of 2024.

List after delivery of judgment in Writ - A No. 10952 of 2024.

In the meantime, the video clipping relating to the petitioner's typing test shall be preserved by the respondent-Uttar Pradesh Public Service Commission."

13. Before proceeding to notice the submissions of the learned Counsel for parties, it would be apposite to refer to the individual facts of the four writ petitions other than the leading case.

WRIT - A NO. 11207 of 2024

14. According to the petitioner, Arvind here, he faced a very serious machine failure while writing his Hindi Computer Test, so much so that it was irredeemably spoilt. According to him, after typewriting for about a minute and a half, the processor of the computer system froze and the computer ceased to respond to the inputs given by the petitioner. After struggling with the problem for a few seconds, the petitioner immediately reported the problem to the Room Invigilator. The Invigilator inspected the computer system and gave certain inputs. The computer system did not respond to the inputs given by the Invigilator. After about wastage of 40 seconds, the processor revived to a semi-functional state. The inputs given by the petitioner and the Invigilator were all visible on the computer screen. These inputs were given by the petitioner and the Invigilator during the 40 seconds when the processor had undergone a state of freeze. Therefore, the petitioner tried to erase the unwarranted inputs by pressing the 'Backspace' key, but it did not respond. Thus, on advice of the Invigilator, the petitioner proceeded to type the remaining passage. The petitioner asserts that in the passage that he typed, after the malfunction, no mistake occurred. He completed the passage within the given time of five minutes. After the examination was over, the petitioner lodged a complaint with the officials of the Commission, supervising the Hindi Shorthand and Computer Typing Test. The petitioner's complaint was not accepted by the officials of the Commission. It

was turned down. The petitioner says that he is a skilled stenographer, already employed with the Department of Irrigation at Prayagraj. He could not have faltered in the test, but for the machine failure. It is also said that the petitioner made a complaint before the Chairman/Examination Controller of the Commission, mentioning therein that the computer system encountered a serious problem, on account of which, it became non-functional. He said that malfunction of the machine spoiled his test. In addition, it was also mentioned that the Invigilator was duly apprised of the problem. He requested the Chairman/Examination Controller to take the test afresh *vide* his application dated 08.07.2024, but to no avail. The petitioner has emphasized that failure of the system was recorded on CCTV Cameras, which show how the computer system froze and came back to life slowly after 40 seconds.

WRIT - A NO. 11692 of 2024

15. Here, there are two petitioners, to wit, Akanksha Gupta and Anand Kumar. The petitioners say more or less the same thing that the machine malfunctioned halfway into the Hindi Typing Test and they encountered the following problems:

"A. While typing, words appear on the screen with a delay of 5-7 seconds.

B. When editing a word, the entire word disappears from the screen.

C. Typed words do not appear on the computer screen for up to 2 minutes.

D. Even when the correct word is typed, incorrect symbols appear.

E. The spacebar does not function properly, resulting in an 'X' appearing on the screen.

F. When these issues occurred, the Technical Team was called but flatly refused to come.

G. Some problems were not resolved for candidates in the first shift on 28/06/2024. Despite correcting

the software, the correct functionality was not restored.

H. There instead if the words (..... means Jealous) XXXX was coming."

(as pleaded in paragraph No.12 of the writ petition)

16. The complaint of the petitioners is that upon inviting attention of the Invigilators in the Examination Hall, the problem remained unresolved, resulting in wastage of time. Consequently, the first petitioner was unable to complete her test within the prescribed time. According to the petitioners, the examination commenced at 5.50 p.m. and finished at 6.15 p.m., with the petitioners employing the 'Mangal Inscript'. The petitioners say that they complained to the officials present there, but they forcibly threw the petitioners out by 7.30 p.m. It is also the petitioners' case that on the day of examination, i.e. on 28.06.2024, they along with 57 others, who faced the same problem, complained through an application to the Chairman of the Commission. The application detailed the technical glitch that occurred during the Shorthand and the Typing Test in the second part of the examination. They asked for a fair chance to redo the typing test. There are number of other applications referred to in this petition, where the Authorities of the Commission were approached, but almost all these applications are ones made by the first petitioner; not the second.

WRIT - A NO. 15347 of 2024

17. This petition has been preferred by Nisha Rai, also a candidate for the post of Additional Private Secretary, who sat her Hindi Typing Test held by the Commission on 09.07.2024 in the first meeting, to wit, 9.00 a.m. to 12.30 p.m. at the State Industrial Training Institute, Lucknow. According to the petitioner, after she had typed 15 words, the computer software displayed error. She tried to delete the error, but the system would not allow it.

Therefore, the petitioner was not able to type a single word further. This petitioner has emphasized that the typing test was held under the lens of a CCTV Camera, overseeing the candidates' performance and whatever happened would have been recorded in the CCTV Footage. It is the petitioner's case here that just after the machine failure, she contacted the Invigilator and the Centre In-charge, conveying them her problem about the malfunctioning computer during the Hindi Typing Test. She requested for provision of a fresh opportunity to complete her typing test. The Centre In-charge orally refused to extend help and advised the petitioner to move an application before the Commission. The petitioner has described in detail the various applications that she moved before the Commission and their officials, but to no avail.

WRIT - A NO. 15367 of 2024

18. The petitioner here is Abhishek Kumar, also a candidate, who staked his claim for the position of an Additional Private Secretary in response to the advertisement dated 19.09.2023 issued by the Commission. According to this petitioner as well, midway during the Hindi Typing Test, the computer software malfunctioned and he could not complete the test, as the time allotted was five minutes alone. It is his case that the malfunctioning computer would be detected as it was under the eye of a CCTV Camera. Soon after the machine malfunctioned, the petitioner contacted the Invigilator and the Centre In-charge and conveyed them the problem of a non-functional computer, just a few minutes into the Hindi Typing Test. The petitioner's case is that the Centre In-charge of the Examination Centre, when approached with the problem, refused to extend help.

19. On the 10th of September, 2024, the petitioner went to the Commission and submitted his application to them, disclosing the

problem about the malfunctioning computer, which led to his Hindi Typing Test being spoiled. No heed was paid to the petitioners' complaint.

20. The relief claimed in all the writ petitions, more or less, is for a *mandamus* commanding the respondents to convene a fresh Hindi Typing Test, that would set-off the disadvantage, which the petitioners have been put to on account of machine failure during the computer typing test, when the screens froze and the software malfunctioned.

21. Heard Mr. Sudhanshu Pandey, learned Counsel for the petitioner in the leading writ petition, Mr. Seemant Singh, learned Counsel in Writ-A No.11207 of 2024, Ms. Prachi Shukla, learned Counsel in Writ-A No.11692 of 2024, Mr. Anurag Rai, learned Counsel in Writ-A No.15347 of 2024 and Mr. Harish Chandra Dwivedi, learned Counsel in Writ-A No.15367 of 2024, on behalf of the writ petitioners. Mr. Sanjay Kumar Om, learned Counsel has been heard on behalf of the Commission and Mr. Girijesh Kumar Tripathi, learned Additional Chief Standing Counsel on behalf of the State.

22. We have perused the record in original carefully and watched the relevant CCTV Footage relating to the petitioners' typing test twice in the presence of all parties, including the learned Counsel for the petitioners.

23. It is submitted by Mr. Seemant Singh, learned Counsel for the petitioner in Writ-A No.11207 of 2024 that the petitioner has a typing speed of about 50 words per minute. The processor of the computer system had frozen, which continued for about 40 seconds. During those 40 seconds, the petitioner pressed certain keys, but the system did not revive. He made a complaint to the Invigilator, who also tried to revive the system, but the processor

did not respond to the inputs given. This led to a wastage of 40 seconds before the computer system became semi-functional again. The inputs given by the petitioner and the Invigilator were not visible on the screen. It only showed 'x' marks. The petitioner attempted to erase those unwanted inputs given at a time when the computer was dysfunctional. The attempt was futile, because the backspace key was not working. The petitioner proceeded to type further, on the Invigilator's advice, and completed the entire passage within five minutes of the prescribed time. The learned Counsel points out that the requirement of the Hindi Computer Typing Test is that a candidate has to type a minimum of 125 words within five minutes. Here, despite the malfunction, the petitioner typed about 140 words with one mistake alone, which occurred before the computer froze. He submits that the petitioner has not committed any error after the system revived and became functional. Mr. Seemant Singh points out that the petitioner was sitting at the door side and it is evident in the video footage that he had called the Invigilator twice for help, when the processor froze for about 40 seconds. The petitioner is proficient in his trade and is serving as a Stenographer in the Department of Irrigation at Prayagraj. His proficiency in Hindi Computer Typing cannot be doubted, therefore.

24. Ms. Prachi Shukla, learned Counsel appearing for the petitioners in Writ-A No.11692 of 2024 has invited the Court's attention to Para 8 of the instructions given in the Admit Card, which is placed at Page No.87 of the writ petition. She points out that according to the instructions, in the event of incorrect typing, 'x'/'0' would appear on the screen. The precise instructions, to which the learned Counsel draws this Court's attention, figuring on the Admit Card, read:

"यदि टाईपिंग करने में कोई त्रुटि होती है तो उसे "बैक स्पेस-की (Backspace-Key)" द्वारा

मिटाय़ा जा सकता है। हिन्दी Kruti-Dev010 टाईपिंग में गलत टाईप करने पर कम्प्यूटर पर चिह्न "0" नज़र आयेगा एवं Mangal Inscript टाईपिंग में गलत टाईप करने पर कम्प्यूटर पर चिह्न "x" नज़र आयेगा। इस त्रुटि को "बैक स्पेस-की (Backspace-Key)" द्वारा ठीक किया जा सकता है या स्पेसबार की (Spacebar-Key) से आगे बढ़कर अगला अक्षर टाईप कर सकते हैं। यदि यह भी न किया जाय तो जब तक शब्द पूरा नहीं हो जाता है तब तक उक्त चिह्न ही टाईप होगा। इसी प्रकार कोई शब्द या पंक्ति छोड़ने पर भी कम्प्यूटर द्वारा उक्त चिह्न ही टाईप किया जायेगा। इसलिए टाईप करने में सावधानी आवश्यक है।"

25. Elucidating her arguments, learned Counsel for the petitioners says that the petitioners chose the Mangal Inscript. It is submitted that upon typing any word, it was displayed with a delay on the screen. Furthermore, if any word was incorrectly typed, it appeared as 'xxxx' on the screen. According to the instructions, after pressing the space bar key, the petitioners should have been able to type the next words. However, in this case, despite pressing the space bar key, the incorrect symbol 'x' remained visible on the screen. The malfunctioning of the space bar key resulted in continued display of the incorrect symbol, preventing proper continuation of the typing test and causing significant difficulties for the petitioners. The learned Counsel for the petitioners here further submits that five minutes was the allotted time. However, due to the technical glitch that occurred, the petitioners faced significant difficulties and loss of their typing time. Furthermore, lack of cooperation from the technical staff and inadequate arrangements for candidates' assistance made matters worse for the petitioners. Although the staff members were present for invigilation, they failed to rectify an apparently malfunctioning system or otherwise redeem loss of time for the petitioners. Despite the fact that the Admit Card clearly said that the candidate should be supported by the staff, in case they encountered any issues, the petitioner's complaint was ignored. The Invigilators' and the staff's negligence caused substantial prejudice to the petitioners in the matter of undertaking their typing test.

26. It is pointed out that the CCTV Footage of the examination

hall shows that the petitioners faced technical issues during the typing test. They were in different halls. In both the examination halls, the petitioners (Akanksha Gupta and Anand Kumar), along with other candidates, experienced the computer screen freeze lasting 40-50 seconds. All candidates stood up to report the issue, and both Akanksha Gupta and Anand Kumar, raised objections, a fact clearly visible in the CCTV Footage. The respondents' negligence created an environment, where the petitioners were unable to fairly perform and demonstrate their proficiency in typewriting on the computer system. It is argued that on the day of examination, the petitioners, along with 57 other candidates, who had faced similar issues, listed their names and contact numbers in a written application made after the examination ended. Attention of the Court is invited to this application dated 28.06.2024. It is submitted further that the stand of the respondents that there was no technical glitch during the examination, despite a large number of candidates raising the matter with them, clearly demonstrates that the Commission are not inclined to redress the affected candidates' grievance. It is argued that both the petitioners are meritorious candidates, who have qualified the first phase of the examination with high scores. However, due to the technical glitch, they were unable to demonstrate their skills in the Hindi Typing Test.

27. Mr. Anurag Rai, learned Counsel for the petitioner in Writ-A No.15347 of 2024, points out that the examination for the petitioner was held on 09.07.2024 in the first meeting (9.00 a.m. - 12.30 p.m.) at the State Industrial Training Institute, Lucknow. He submits that the typing test was conducted under the eye of a CCTV Camera and the allotted time was five minutes. There was no movement allowed to the candidates in the examination hall during the typing test. Therefore, the petitioner could not attempt any solution other

than typing on to solve the problem. He submits that under a suggestion from the Centre In-charge, the petitioner moved an application on the day following the examination, i.e. 10.07.2024, before the Chairman of the Commission. The application was made physically, by registered post and also through email. There is absolutely no delay on the petitioner's part in reporting her problem to the Commission for appropriate action. Learned Counsel for the petitioner submits that the petitioner commands a good typing speed and was confident of successfully passing the computer-based Hindi Typing Test. It was only on account of the irresponsible management of the Examination Centre In-charge that the petitioner has been seriously prejudiced.

28. Mr. Harish Chandra Dwivedi, learned Counsel appearing for the petitioner in Writ-A No.15367 of 2024, points out that there were very strict directions by the Invigilators that no candidate should complain during the time period of five minutes allotted to the typing test about any software problem. He says that the petitioner's typing speed enables him to type more than 140 words in the time period of five minutes, but due to a change in the method of typing, without notice in the advertisement, as well as opportunity of a proper demonstration followed by a malfunction of the software, mistakes occurred. Once 'XX' appeared on the screen, a resort to the space bar key did not lead to response from the computer system. Pressing of the space bar key twice did not yield result, but on the third attempt, it erased three alphabets. All this malfunction of the computer system contributed to the petitioner's failure to type the minimum requirement of words within the scheduled time.

29. Mr. Sanjay Kumar Om, learned Counsel appearing on behalf of the Commission, submits that there are common allegations in all the writ petitions about a malfunction of the computer system

during the Hindi Typing Test, where the screen froze for a few seconds. The case of the petitioners, according to Mr. Om, is that during the time period that the system malfunctioned, it was either not typing or wrongly typing. He points out that consequent upon the freezing of the computer screen, they lodged a complaint with the Invigilator, but no heed was paid to the grievance. They later on sent representations to the Commission by registered post. He submits that upon coming to know about the malfunctioning of the computer systems, the Commission called for a report from the Examination Supervisor with regard to all the petitioners. The Examination Supervisor categorically refuted the allegations of the petitioners and made a report that no such incident ever took place. Accordingly, the Commission filed its counter affidavit along with the Centre Superintendent and the Coordinating Supervisor's report, refuting the frivolous allegations that the petitioners have come up with. He has invited the attention of the Court to paragraph Nos. 5, 6 and 8 of the counter affidavit filed in the leading petition. He emphasizes that according to the instructions to candidates, annexed as Annexure No. CA-1 to the counter affidavit filed in the leading petition, Clauses 4, 6, 7 and 8 are very relevant. These provide detailed instructions to candidates to check their computer, keyboard etc. before embarking on the test.

30. The instructions mentioned that unless and until they are satisfied with the system, they should not press the 'OK' button. Unless the 'OK' button is pressed, the typing test would not commence. It is, particularly, submitted that in case of erroneous typing too by the candidate, '0' would appear in the Kruti Dev Font and 'x' in the Mangal Inscript Font. The symbol is displayed on the screen. Mr. Om submits that the error could be corrected by using the space bar key within the stipulated time of the test, or if the candidate preferred, he/she could leave the error(s) and without

attempting a correction, move ahead with his/her typing. The argument proceeds that it is noteworthy that till the candidate is typing wrongly, the same symbols of error would appear on screen. This is why some of the petitioners would have thought it to be a computer error and forgotten Instruction No.8 to rectify the same.

31. It is further on argued that the petitioners' case that once they had done their typing, they could not retrieve the same, is also flawed, inasmuch as Instruction No.7 clearly dispels doubt in this regard and says that a passage already typed would appear on the monitor again, to enable them to repeat their typing until the period of five minutes was over. It is next submitted that it is incorrect to contend on the petitioners' part that the computer froze, inasmuch as if it froze, the entire system would come to a standstill, and, as expert opinion would say, it is not possible that the system freezes, but the timer is 'ON'. It is emphasized that in case of freezing of the computer, the entire system comes to a halt, including its timer, which is not the petitioners' case. In the report of the Examination Superintendent, with respect to the examination on all dates, it is clearly said that there has been no disturbance or protest about the 'freezing' of a computer. It is argued that the possibility cannot be ruled out that the erroneous and misconceived allegations about freezing of the computer screen have been made by some of the candidates, that is to say, the petitioners, merely to secure another attempt.

32. It is next said that in almost all cases, representations had been made belatedly and the petitions filed after much delay. Nevertheless, pursuant to the directions of this Court, video clippings of the respective typing tests were produced, a perusal of which makes it evident that only two candidates, to wit, Arvind (Writ-A No.11207 of 2024) and Anand Kumar (Writ-A No.11692 of

2024), invited the Invigilators' attention, which, according to the petitioners' Counsel, was a protest. But, in view of the Invigilators' report, it would be just a query or clarification sought by the two candidates. The rest of the candidates, who are the petitioners here, wrote their test peacefully and without demur. It was also evident, upon a screening of the video clip, that due to abundance of computer systems, in some cases, where the candidates faced problems with the keyboard etc., the difficulty was resolved by either changing their seats or the keyboard.

33. It is next submitted that in any case, after sitting the typing test and not raising any protest with regard to malfunction of the computer system in the examination hall itself, the petitioners cannot be permitted to raise the same afterwards, for a complaint like that would be barred by the principle of estoppel. It is emphasized that in regard to the same examination, where similar allegations were made and the candidates filed writ petitions before the Lucknow Bench, the challenge was repelled by the Court in **Ritesh Kumar and others v. State of U.P. and others, 2024:AHC-LKO:49216** and **Sanjeev Verma and others v. State of U.P. and others, 2024:AHC-LKO:49184**.

34. In support of his contention, learned Counsel for the Commission has placed reliance upon the authority of the Rajasthan High Court and the Jharkhand High Court in **Jahnvi Vijay v. State of Rajasthan, 2020 SCC OnLine Raj 1528**; **Mukesh Kumar Tanti v. Union of India, 2021 SCC OnLine Jhar 1357**; **Ajay Meena and others v. Rajasthan High Court through Registrar Jodhpur, through Registrar General and another, 2024 SCC OnLine Raj 2902**. It is submitted by the learned Counsel appearing for the Commission that reliance placed by the petitioners on the authority of the Gujarat High Court in **Harsh Hiteshbhai Gandhi v. Gujarat Technological University, 2020**

SCC OnLine Guj 1328, is of no significance because the High Court discussed the issues involved at length, but ultimately did not grant relief. It is emphasized that 4241 candidates have appeared in the typing test conducted by the Commission between 28.06.2024 to 18.07.2024 in two shifts, whereas in the video clipping, only two candidates have been found to have protested. The plea of the petitioners to conduct their examination again will not be pragmatic for the Commission, inasmuch as the same would be violative of Articles 14 and 16 of the Constitution.

35. Then there are some submissions, apart from contentions common, raised in answer to particular writ petitions by Mr. Om. About the case in Writ-A No.11692 of 2024, it is submitted that there are two petitioners, whereas no details of petitioner No.2 are mentioned about the anomalies pointed out in paragraph No.12 of the writ petition, that are limited to petitioner No.1 alone. He submits that it is not possible that two candidates appearing in the examination, sitting in two different halls, would have their computers corrupted simultaneously, and, in both systems, the same problem would occur. The petitioners ought have been categorical about the allegations made with reference to each of them. In the representation too made, it is not clear. It is also said that the said representation has not been received in the Commission's office.

36. About Writ-A No.15347 of 2024, it is submitted by Mr. Om that the examination took place on 10.07.2024, whereas, the writ petition was instituted on 10.09.2024. No protest was made during the examination. Likewise, the submission with regard to Writ-A No.19423 of 2024 is that the examination was held on 28.06.2024, whereas the writ petition was filed on 01.12.2024. No protest was made in the examination hall.

37. In Writ-A No.15367 of 2024, it is argued by Mr. Sanjay Kumar Om that the typing test took place on 04.07.2024, whereas, the representation was made on 10.09.2024 and the writ petition filed on 29.09.2024. In the last, it is submitted with regard to Writ-A No.11207 of 2024 that a display of the video clip shows that the petitioner appeared to have raised some questions with the Invigilator, which, in view of the Examination Superintendent's report, appears to be merely a query/clarification and cannot be termed a protest, nor can it be interpreted that he had any problem due to the alleged computer screen freezing.

38. We would proceed to consider the leading case first.

39. The facts of this case and the submissions of parties have already been noticed earlier in this judgment. In its essence, the petitioner's case is losing a precious two minutes out of the total of five, to write his Hindi Typing Test, solely on account of the computer software malfunctioning. The case of the petitioner is that on account of the malfunctioning computer, it hung for two minutes, disadvantaging him badly. During the screening held in chambers, the petitioner, Ashish Vashisht, was identified with a picture of his produced by the respondents, which Mr. Sudhanshu Pandey acknowledged to be that of Vashisht. During the screening of the video clip/CCTV Footage, Ashish Vashisht was again identified before us, where he appears entering the examination hall. His identity in the video clip was acknowledged by the learned Counsel appearing for him, Mr. Sudhanshu Pandey.

40. Ashish Vashisht's Shorthand-cum-Hindi Typing Test was scheduled on 11.07.2024 in the second session from 2.00 p.m. to 5.30 p.m. We watched the video clip/CCTV Footage from the point he entered the examination hall and identified as aforesaid. The Hindi Typing Test commenced at 16:01:38 p.m. ending at 16:06:48

p.m. The typing test was eventless and did not show anything, which might lead us to infer that the computer system malfunctioned or hung for two minutes or any period of time, as the petitioner says. Apparently, the petitioner, Ashish Vashisht, did not call help or appear distressed or perturbed during the examination. We have also perused the petitioner's typewritten script in original, signed by him. It shows to have been typed in the Mangal Font. There are a number of mistakes appearing in the form of 'x'. The total number of words of typewritten are 88.

41. We also noticed during screening of the video clip that at 16:00:00 hours, the staff present in the examination hall gave a demonstration how to write the test. During the demonstration, no difficulty was apparently faced by the petitioner or any other candidate. It does not appear from the record that there was any complaint about machine failure during the five minute schedule of the test. The petitioner did not report, to the Invigilators present at the Centre, an error preventing him from doing his typing work. The petitioner typed through the test without demur or objection. The petitioner says that he protested the matter with the Invigilator and the Centre In-charge, conveying the problem faced by him, with a request to do the needful, including provision of opportunity to write his test again, but the Centre In-charge orally refused to help, advising him to move an application before the Commission. There is absolutely no evidence about this protest. The petitioner rushed, as he says, from Lucknow to Prayagraj on 11.07.2024, arriving by night at Prayagraj. The petitioner asserts that he moved an application addressed to the Secretary of the Commission on 12.07.2024 by night. There is indeed annexed as Annexure No.5 to the writ petition a photostat copy of the application made by the petitioner to the Secretary of the Commission. It bears on its face a seal of receipt dated 12.07.2024. There are also two photostat

copies of emails addressed to the Commission sent by the petitioner, complaining of software failure during the Hindi Typing Test held on 11.07.2024. Apparently, the petitioner, as already remarked, did not protest during or immediately after the examination, while writing it at the appointed Centre at Lucknow, though he did complain the following day at Prayagraj in a complaint addressed to the Secretary of the Commission. There are reminders sent by email to the Commission. The last dispatch addressed to the Secretary is of 18th July, 2024. The writ petition was instituted on 23.07.2024.

42. In the nature of things, Vashisht cannot be blamed for any kind of delay in complaining after the event and leaving the venue, or taking the all important step of instituting a writ petition with promptitude. But, what he did not do was the most crucial thing that mattered to his right. And, that was a prompt complaint with the Invigilator and the Centre In-charge. The petitioner does say that he protested and complained with the Invigilator and the Centre In-charge orally, but there is no evidence about it. In the nature of the complaint that relates to a malfunction of the software, it had to be a complaint at the venue and time of examination, as it happened. A post-event complaint after leaving the venue would be of little avail in ascertaining facts either way to substantiate or decline the petitioner's claim.

43. The most crucial fact, that really disentitles the petitioner to relief, is that during the screening of the video clip relating to the five minutes of Vashisht's Hindi Typing Test, we did not notice him facing any kind of difficulty working on the system. He did not protest, or as already said, call help, but went about typewriting his test for the entire duration of five minutes. There is nothing visible to substantiate the case of a two-minute interruption on account of the system hanging – the sheet anchor of Vashisht's case.

44. The learned Counsel for the petitioner has placed reliance on **Jahnvi Vijay** (*supra*). The case relates to the right to admission of a student, who sat the NEET-PG Examination-2020 conducted by the National Board of Examinations, a common entrance test held on 05.01.2020. The facts in **Jahnvi Vijay** can best be recapitulated from the report, which read:

"6. The petitioner has pleaded that the examination started at 3 : 30 PM, as scheduled at the aforesaid center but around 3 : 50 PM, the computer, which was provided to the petitioner, got hanged due to technical error and her answers given on the computer were not displayed as such and the computer turned black.

7. The petitioner has pleaded that she complained to invigilator, who in turn provided her a second computer around 4 : 00 PM and the petitioner again started solving the questions but surprisingly, just after 10-15 minutes, the screen of the second computer also turned black and the answers were omitted on the screen.

8. The petitioner has pleaded that the second computer, provided to her, was hanged as many as six times up to 5 : 30 PM and on a complaint made by the petitioner, she was shifted to another room around 5 : 45 PM.

9. The petitioner has pleaded that around 5 : 45 PM, she was shifted to another room where she started working again but there was a technical snag and as such, as many as nine times, the screen of the computer was blank.

10. The petitioner has pleaded that not only she had a problem with the functioning of the computer but there were other co-examinees also who found the same complaint in the computer. The petitioner has pleaded that her concentration in writing the examination was disturbed several times and as such, the petitioner was allowed to solve the questions till around 7 : 15 PM.

11. The petitioner has pleaded that since the answers of the questions, attempted by the petitioner automatically got erased on the screen of the computer and as such, One and Half hours was available to the petitioner for solving all 300 Objective Type Questions and the petitioner was able to answer only around 263 questions out of 300.

12. The petitioner has pleaded that there was a total chaos in the examination center, as defective computers were supplied to the petitioner and the other candidates and as such, the Authorities miserably failed to conduct the examination in a proper and fair manner.

13. The petitioner has pleaded that she reached home around 8 : 30 PM and complained her father, who immediately sent complaint through E-mail to the different Authorities, i.e., PMO, State CMO and helpline of NEET-2020. The petitioner has pleaded that complaint was also made on "Twitter" and when no heed was paid to the malfunctioning of the computers, the petitioner had to serve notice for demand of justice for either cancelling the examination in toto or holding re-examination of the students, at the allotted center to the petitioner and further, give bonus marks to her."

45. In Jahnvi Vijay, the Rajasthan High Court remarked:

"47. The moot question before this Court is to consider the inconvenience and loss caused to the petitioner due to failure of system and whether she was provided adequate remedial measures during examination or not.

48. This Court finds that the petitioner has admittedly been given additional 11 minutes and there was also loss of three minutes due to locking and change of computer terminal and as such, the respondents have followed the protocol and as such, it cannot be said that they were guilty of not following the protocol or they were indifferent to the problem faced by the petitioner while writing the examination.

49. This Court has observed in earlier paras and made it clear that the student/examinee is required to be given adequate facility, however, if there has been technical failure in the system, the same should not result into any loss to the student and such failure needs to be attended in adequate manner.

52. The submission of learned counsel for the petitioner that report of the Observers speaks volume of the irregularities being committed while conducting examination, this Court finds that the appraiser report had approved the pre-test day instructions in *toto* and while conducting the test, there was technical problem with computers and the students were facing difficulty of computer monitor as blurred or hanged and subsequently the students

were shifted from one seat to another computer seat and in some cases, from one lab to another lab.

54. The submission of learned counsel for the petitioner that merit should not be a casualty and meritorious candidate should not be deprived from a proper allotment of merit and seat in the examination, suffice it to say that in the examination where thousands of students/examinees appeared and if at given point of time, at particular center, if there has been a technical failure of a system, no presumption can be drawn that merit becomes a casualty or merit is ignored by the Authorities.

55. The submission of learned counsel for the petitioner that the relief cannot be denied to the petitioner only on an account of examination being over or admissions being finalized and since the petitioner has approached this Court at the earliest available opportunity, this Court finds that the Apex Court has crystalized the right of a candidate to get relief in education matters in the case of *S. Krishna Sradha v. The State of Andhra Pradesh* (supra).

62. The Apex Court framed following questions for consideration and the same are reproduced hereunder for ready reference:

"a) Is there any exception to the principle of strict adherence to the Rule of Merit for preference of courses and colleges regarding admission to such courses?

b) Whether the cut-off date of 30th September of the relevant academic year is a date which admits any exception?

c) What relief the courts can grant and to what extent they can mould it while ensuring adherence to the rule of merit, fairness and transparency in admission in terms of rules and regulations?

d) What issues need to be dealt with and finding returned by the court before passing orders which may be more equitable, but still in strict compliance with the frame-work of regulations and judgments of this court governing the subject?"

63. This Court finds that the principle, which has been laid down by the Apex Court is in respect of maintaining merit for the purpose of admission and relief, which can be granted to meritorious candidate, who approaches the Court without any delay.

64. This Court finds that as far as the present writ petition is concerned, petitioner's right was not crystallized in any form of merit position assigned to her and it was only in respect of conducting the examination in a fair manner.

65. As far as the reliance placed by learned counsel for the petitioner on the judgment in the case of *Tanvi Sarwal v. Central Board of Secondary Education* (supra) is concerned, the Apex Court had found that there were large scale malpractices, like unfair means/cheating/leakage of question paper and as such, direction was given to conduct fresh examination.

66. This Court finds that in the present case, there has been no allegation of unfair means/cheating/leakage of question paper and the problem, alleged to be faced by the petitioner, was already rectified by the respondents while allotting extra time to the petitioner.

67. As far as the reliance placed by learned counsel for the petitioner on the judgment in the case of *S. Krishna Sradha v. The State of Andhra Pradesh* (supra) is concerned, the Supreme Court has decided that meritorious candidate, for no fault of his/her, pursues his/her legal right expeditiously without delay, cannot be denied admission only because cut-off date has passed.

68. This Court finds that the dispute in this case is with regard to manner of conducting the examination by the respondents and as such, no merit was assigned to the petitioner, of which, violation has taken place on account of not conducting examination in a fair and proper manner.

69. The present case in hand is not in respect of granting admission to the petitioner after she has been declared meritorious and as such the judgments, cited by learned counsel for the petitioner, are of no assistance to him."

46. The principle, on which the decision in **Jahnvi Vijay** turned, was that though the Court acknowledged the computer system failure that occurred during the NEET-PG Admission Test, but discarded the case of consequential prejudice to the petitioner on account of the computer system glitch, because the respondents rectified the injury caused to the petitioner by allotting extra time to write the examination on a different system etc.

47. This is a case where the fact of malfunction of the software is not at all established. If the case of malfunction were established, the question of prejudice would then have to be examined. Therefore, the holding in **Jahnvi Vijay** does not help the petitioner at all. In our considered opinion, therefore, no case for interference in Vashisht's favour is at all made out.

48. There is similarity on one cardinal point between the leading case and those of Nisha Rai and Abhishek Kumar. Rather, the only distinction between the leading case and those of Nisha Rai and Abhishek Kumar is that the latter approached the Court with delay, and, complained as well to the respondents with much delay.

49. During the screening held in chambers, Nisha Rai was identified to us in the video clip/CCTV Footage, when she entered the examination hall for doing her Hindi Typing Proficiency Test. The test was held on 09.07.2024 in the first shift, comprising both the Shorthand Test and the Hindi Typing Test. The Hindi Typing Test for the petitioner, Nisha Rai, commenced at 11:17:29 a.m. and ended at 11:22:31 a.m., a duration of five minutes. We watched the entire video clip/CCTV recording in the presence of learned Counsel for both parties very carefully. We noticed, during the entire screening of the video clip, that Nisha Rai did not call help or appear distressed or perturbed while doing her typing test. The typing test was eventless altogether. We also perused her Hindi Typing Test Sheet in original signed by her, which carries a total of 29 words, besides bracket and the symbol of '0', denoting a mistake. She had chosen the Kruti-Dev010 font. We also noticed in the screening of the video clip, relating to the typing test, that at 11:12:10 a.m., the staff present in the examination hall gave a demonstration of how to write the Hindi Typing Test, which concluded at 11:14:10 a.m. During this period also, no difficulty was noticed by us. It does not appear from the record that the petitioner

complained against machine failure or her system going awry, reporting an error to the Invigilators present at the Centre, that prevented her from typing further. She typed through the test without demur, as evident from the CCTV recording. She did complain the following day on 10.07.2024 before the Commission, travelling to Prayagraj from Lucknow. She then sent her complaint by registered post on 11.07.2024 and dispatched email reminders on 18th July, 23rd July and 25th July, 2024. The petitioner moved this Court on 23.09.2024, that is to say, almost two and a half months after writing her Hindi Typing Test.

50. Apparently, Nisha Rai was at peace with the process of examination and went through it without protest or demur. She did not lodge any complaint in writing at Lucknow, though she did on the following day at Prayagraj, sending it by registered post on 11.07.2024. There were reminders by email sent to the Commission, but nothing further was done. This was a matter, which required prompt action by way of challenge through a writ petition. The writ petition was filed after a delay of two and a half months. In a similar matter filed at Lucknow relating to the same examination, the challenge raised by Ritesh Kumar and 11 others, who joined as petitioners in Writ-A No.5478 of 2024, was repelled by my esteemed Brother Rajesh Singh Chauhan in the following words:

"4. Having heard learned counsel for the parties and having considered the material available on record, even if there was any technical electricity fault at the time of examination in question and at that point of time, grievance of the petitioners was not redressed properly, those petitioners must have approached the Court immediately thereafter so that any order or direction could have been passed before conclusion of the examination on 18.07.2024 but after completion of examination process, the prayer so made in the writ petition may not be granted, otherwise it will open a Pandora box and flood gate of the litigation, which may not be in the interest

of other candidates, who appeared in the examination and got successful. Further, serious litigants must approach the Court promptly and if delay in approaching the Court is not proper, no relief can be granted."

51. A candidate, who writes the examination without protesting then and there, cannot afterwards turn around and cry foul about the process involved, which, in this case, would involve the functionality of the computer device employed to write the Hindi Typing Test. The absence of prompt protest and inaction estops the candidate from questioning it afterwards, as already remarked. This question arose in **Ajay Meena** (*supra*), where the relevant facts, as would appear from the report of the decision, read:

"2. The respondent(s) issued advertisement dated 18.12.2023 for recruitment to the post of System Assistant, 2023. In pursuant to the said advertisement all petitioners applied for the said post for which written test (first phase) was conducted by the respondent(s) on 03.03.2024. All the petitioners appeared in the said written test and result of the written test was declared by the respondent(s) on 19.03.2024. In the second phase, the type test was held by the respondent(s) on 18.05.2024 in which all petitioners appeared, however, after participating in the written test and type test they submitted representations on various dates i.e. 29.05.2024, 19.06.2024, 30.05.2024 and 05.06.2024 to the respondent(s) for conducting fresh type test on the ground that the respondent(s) have issued a corrigendum on 02.06.2024 for conducting the fresh type test for SC category (women candidates).

3. Learned counsel for petitioners submitted that the respondent(s) are going to conduct the type test for SC category (women candidates) and one more chance be given to the petitioners along with those candidates to appear in the type test. Learned counsel further submits that there were technical faults with the computer and keyboard provided to the petitioners for which they were not responsible and they failed to type the answers properly in the said type test.

5. Learned counsel appearing for respondent(s) submits that as per instructions uploaded on the official website of the respondent(s) with regard to type test, in any case of difficulty, the candidate

has to make a complaint to the invigilator at the time when the type test was conducted but no complaint was ever made by the petitioners to their respective invigilators."

52. It was held in *Ajay Meena* by a Division Bench of the Rajasthan High Court:

"7. The Hon'ble Supreme Court in the matter of *Ashok Kumar v. State of Bihar*, (2017) 4 SCC 357 in paras No. 13 to 18 has held as under:—

"13. The law on the subject has been crystalized in several decisions of this Court. In *Chandra Prakash Tiwari v. Shakuntala Shukla* (2002), this Court laid down the principle that when a candidate appears at an examination without objection and is subsequently found to be not successful, a challenge to the process is precluded. The question of entertaining a petition challenging an examination would not arise where a candidate has appeared and participated. He or she cannot subsequently turn around and contend that the process was unfair or that there was a lacuna therein, merely because the result is not palatable. In *Union of India v. S. Vinodh Kumar*, (2007) 8 SCC 100, this Court held that:

"18. It is also well settled that those candidates who had taken part, in the selection process knowing fully well the procedure laid down therein were not entitled to question the same. (See *Munindra Kumar v. Rajiv Govil* (1991) and *Rashmi Mishra v. M.P. Public Service Commission*).

14. The same view was reiterated in *Amlan Jyoti Borroah* where it was held to be well settled that candidates who have taken part in a selection process knowing fully well the procedure laid down therein are not entitled to question it upon being declared to be unsuccessful.

15. In *Manish Kumar ShahI v. State of Bihar*, the same principle was reiterated in the following observations : (SCCp.584, para 16)

"16. We also agree with the High Court that after having taken part in the process of selection knowing fully well that more than 19% marks have been earmarked for viva voce test, the petitioner is not entitled to challenge the criteria or process of selection. Surely, if the Petitioner's name had appeared in the merit list, he would not have even dreamed of

challenging the selection. The Petitioner invoked jurisdiction of the High Court Under Article 226 of the Constitution of India only after he found that his name does not figure in the merit list prepared by the Commission. This conduct of the Petitioner clearly disentitles him from questioning the selection and the High Court did not commit any error by refusing to entertain the writ petition. Reference in this connection may be made to the Judgments in *Madan Lal v. State of J &K*, *Marripati Nagaraja v. Government of Andhra Pradesh*, *Dhananjay Malik v. State of Uttaranchal*, *Amlan Jyoti Borooah v. State of Assam* and *K.A. Nagamani v. Indian Airlines*.

16. In *Vijendra Kumar Verma v. Public Service Commission*, candidates who had participated in the selection process were aware that they were required to possess certain specific qualifications in computer operations. The Appellants had appeared in the selection process and after participating in the interview sought to challenge the selection process as being without jurisdiction. This was held to be impermissible.

17. In *Ramesh Chandra Shah v. Anil Joshi*, candidates who were competing for the post of Physiotherapist in the State of Uttrakhand participated in a written examination held in pursuance of an advertisement. This Court held that if they had cleared the test, the Respondents would not have raised any objection to the selection process or to the methodology adopted. Having taken a chance of selection, it was held that the Respondents were disentitled to seek relief Under Article 226 and would be deemed to have waived their right to challenge the advertisement or the procedure of selection. This Court held that (SCC P.318, para18)

"18. It is settled law that a person who consciously takes part in the process of selection cannot, thereafter, turn around and question the method of selection and its outcome".

18. In *Chandigarh Admn. v. Jasmine Kaur*, it was held that a candidate who takes a calculated risk or chance by subjecting himself or herself to the selection process cannot turn around and complain that the process of selection was unfair after knowing of his or her non-selection. In *Pradeep Kumar Rai v. Dinesh Kumar Pandey*, this Court held that : (SCC P. 500, para 17)

"17. Moreover, we would concur with the Division Bench on one more point that the Appellants had participated in the process of interview and not challenged it till the results were declared. There was a gap of almost four months between the interview and declaration of result. However, the Appellants did not challenge it at that time. This, it appears that only when the Appellants found themselves to be unsuccessful, they challenged the interview. This cannot be allowed. The candidates cannot approbate and reprobate at the same time. Either the candidates should not have participated in the interview and challenged the procedure or they should have challenged immediately after the interviews were conducted."

This principle has been reiterated in a recent judgment in *Madras Institute of Development Studies V. S.K. Shiva Subaramanyam*."

8. This writ petition filed by the petitioners deserves to be dismissed for the reasons; firstly, the petitioners are estopped to challenge the process of selection after participating in the same as has been held by the Hon'ble Supreme Court in the case of *Ashok Kumar v. State of Bihar* (supra); secondly, the petitioners have not made any complaint at the time of written test to their respective invigilator with regard to any fault either in the computer or with the keyboard provided to them in the examination hall; thirdly, the petitioners have voluntarily signed the certificate that their computer and keyboard are functioning properly at the time when the type test was conducted."

53. On facts, the only difference that made the estoppel against the petitioner in **Ajay Meena** more firm, is the signing of a certificate that the petitioner's computer system and keyboard were functioning properly at the time when the typing test was conducted. There is no such express certificate signed by the petitioner here. Nevertheless, the script has been signed by the petitioner without demur and there is no written objection or complaint submitted to the Invigilator before leaving the examination hall in this case either. We are of opinion that the petitioner in this case is estopped from questioning the fitness of the computer or pleading a technical glitch or failure having not

complained in writing at the Examination Centre itself. The complaint that was indeed sent by registered post within two days, or may be submitted by hand on the following day before the Commission, was not followed up by proper enforcement of the petitioner's rights. No writ petition was brought until after the lapse of a period of two and a half months. On this count, the petitioner would not be entitled to relief.

54. To add to it substantially is the fact that during the entire duration of the Hindi Typing Test, we did not notice anything that bothered the petitioner or impelled her to call the Invigilator to her aid. If all that had happened, which the petitioner now pleads for a malfunctioning computer system that prevented her from writing her Hindi Typing Test, commensurate to her capability within the time period of five minutes, we are of opinion that her behaviour during the examination would have been entirely different. She would have called the Invigilator to her aid, showing him the malfunctioning computer. She did not do so. In our considered opinion, this petitioner, for all these reasons, is not entitled to relief.

55. Almost on the same footing as Nisha Rai is the case of Abhishek Kumar. His Shorthand-cum-Hindi Typing Test was scheduled on 04.07.2024 in the first session from 9.00 a.m. to 12.30 p.m. Abhishek Kumar, when he entered the examination hall, was identified to us in the video clip with reference to a photograph of his by Mr. Sanjay Kumar Om. The typing test commenced at 11:26:56 a.m. and ended at 11:32:00 a.m. During the screening of the video clip/CCTV recording of the typing test, we noticed that the examination was eventless. The petitioner did not call for any help nor he appeared to be disturbed or distressed.

56. Upon a perusal of his script in original, which is duly signed by him, we find that he has typed the given passage to the extent

of 119 words. There are no mistakes either in the typewritten material, suggestive of a computer system malfunction during operation. He elected to type in the Mangal Font. The petitioner apparently did not lodge any complaint with the Invigilator and submitted a complaint to the Commission at Prayagraj as late as on 10.09.2024, that is to say, after a period as long as one upwards of two months from the day he wrote his Hind Typing Test at Lucknow. There is no evidence of an earlier complaint by the petitioner. The writ petition was instituted before this Court on 24.09.2024. In the entirety of things, the conduct of the petitioner holds him bound by estoppel not to question the process of the typing test held for selection to the post of Additional Private Secretary. All other points that disentitled Nisha Rai from relief are squarely attracted to the petitioner's case. He too is not entitled to any relief.

57. It would now be convenient to consider the case of Arvind, subject matter of Writ-A No.11207 of 2024 and that of Akanksha Gupta and Anand Kumar, subject matter of Writ-A No.11692 of 2024 together. The common feature in both these cases is that during the screening of the video clips of the relative typing tests, there is some evidence of disturbance in the examination hall, suggestive of computer software malfunctioning, as alleged by these petitioners.

58. Turning to the case of Arvind, we watched the video clip relating to his typing test. Arvind's Hindi Typing Test was held on 07.07.2024 during the first session i.e. from 9.00 a.m. - 12.30 p.m. The candidate can be seen entering the examination hall at 9.49 a.m. Arvind was identified to us with a photograph of his produced, which Mr. Seemant Singh, learned Counsel for this petitioner acknowledged. In the screening of the video clip too, Arvind was identified by Mr. Seemant Singh at the pointing of Mr. Sanjay

Kumar Om. The video was screened in the presence of learned Counsel for both parties. The Hindi Typing Test commenced at 11:10:40 a.m., ending at 11:15:52 a.m. During the screening, we noticed that Arvind called the Invigilator twice. He came over, but expressed helplessness by his gesture. There does appear to be a case of freezing of the computer screen on account of it hanging, as alleged. The time period, for which the system became non-functional, is alleged to be 40 seconds. The time period aforesaid, given the happenings noticed in the video clip, can be accepted to be 40 seconds. Arvind typed the given passage in the Mangal Font. In the 5th and 6th lines in the same sentence, an error appears, denoted by characteristic symbol 'x'. A similar error is also noticeable in the first line. There is still another mistake with a symbol 'x' noticeable in the 4th line. We have perused Arvind's typewritten script. He has typewritten a total 140 words. On facts in this case, therefore, it has to be held that there was a malfunction of the computer system for a period of 40 seconds, during which the screen froze, and, apparently, the Invigilator could not help the petitioner with the problem.

59. In the same stretch, it would be apposite to consider the case of Akanksha Gupta and Anand Kumar, both of whom are petitioners in Writ-A No.11692 of 2024. Both these petitioners appeared in the Shorthand-cum-Hindi Typing Test on the same day, but in different examination halls/labs. In case of Akanksha Gupta, she appeared to take the test on 28.06.2024 during the second session, stretching from 2.00 p.m. to 5.30 p.m. We watched the video clip/CCTV Footage relating to the Hindi Typing Test. Akanksha Gupta is seen entering the lab or the examination hall at 16.14 p.m. Her photograph was produced before us by Mr. Sanjay Kumar Om, which was identified by Ms. Prachi Shukla, learned Counsel appearing for her, saying that it was Akanksha's. She was

identified in the video clip entering the lab or the examination hall at 16.14 p.m. by Ms. Prachi Shukla. She occupied the corner seat in the 4th row, but was not visible to the CCTV Camera because of her location, once she sat down to work. The typing demonstration was held at 17.15 p.m. eventlessly. The Hindi Typing Test commenced at 17:55:10 p.m. ending at 18:00:14 p.m. During this period of time, we noticed a pandemonium in the examination hall/lab, with almost all candidates struggling with the system and calling help. The disturbance in the examination hall is suggestive of computer software malfunction. We have examined Akanksha's typewriting test script in original. It shows one stretch of mistakes in the 5th line, denoted by the characteristic symbol 'x', the candidate having chosen the Mangal Inscript. There is one odd figure of a dotted circle, occurring between two 'xx'. The total number of words that Akanksha typed is 128.

60. In the case of Anand Kumar, who did his typing test on 28.06.2024 as well in the same session as Akanksha from 2.00 p.m. to 5.30 p.m., but in a different lab/examination hall, we watched the video clip relative to him, after necessary identification of the candidate by learned Counsel. In Anand Kumar's case, the Hindi Typing Test commenced at 18:09:41 p.m., ending at 18:10:10 p.m. During the screening of Anand Kumar's type writing test, there was a similar widespread disturbance in the examination hall/lab, with Invigilator's being called for help. This disturbance in the examination hall/lab is also suggestive of computer system malfunction. A perusal of Anand Kumar's script shows that he chose the Mangal Font. There are no evident mistakes identifiable by the characteristic symbol 'x'. He typed a total of 74 words. Upon a consideration of whatever was presented to the Court in the screening of the video clip relating to the Hindi Typing Test/CCTV Footage, we are of opinion that for a fact, the petitioners' case of

computer software malfunction for a certain period of time during the typing test is established.

61. The next question is: Whether on account of a discernible case of computer malfunction for a short period of time during the five-minute duration of the typing test, can a direction be issued to hold a re-test for the petitioners, that is to say, the petitioners in Writ-A No.11207 of 2024 and Writ-A No.11692 of 2024?

62. The disturbance noticed and alleged in the two writ petitions are of a different genre. In case of Arvind, the complaint is about a freezing of the screen for about 40 seconds. In case of Akanksha Gupta and Anand Kumar, the malfunction is one of flawed output alleged, lasting for 40-50 seconds, which may be the possible period of disturbance. We have already believed that disturbance, but noticed that Arvind, after all, typed as many as 140 words, whereas the requirement during the allocated time of five minutes was 125. The case of Akanksha Gupta and Anand Kumar is one of malfunctioning keys, where, words appeared after a delay or the system reported mistakes, despite words being correctly typed out. The only thing to corroborate the petitioners' case of this kind of a computer malfunction is the general disturbance in the examination hall, where candidates were seen perturbed and calling help. We have believed that there was some malfunction of the computer, but how much and of what kind is difficult to assess. In case of Akanksha Gupta, who sat the exam in a different lab/examination hall on the same day and time as Anand Kumar, could type out a total of 128 words as against the requisite 125. There are no doubt, the symbols 'xxxx', denoting mistakes in the 5th line of the script. Anand Kumar, who faced the same kind of a computer malfunction and where too, a general disturbance amongst the other candidates facing the test was noticed, could type out a total of 74 words. The computer software did malfunction for some period of

time, but it is not clear how much of the petitioner's performance did it affect.

63. In all the three cases, whatever was the kind of malfunction and how much prejudice it caused to the three petitioners, is difficult for this Court to gauge on account of the fact that it is these three petitioners in all, out of a large number of candidates, who attempted their typing test from the same labs and faced the same problem as the three petitioners, who came forward to complain and moved Court. The petitioners also did not submit a written objection at the Centre, but proceeded to Prayagraj and submitted it to the Commission on the following day. Assuming that the Invigilators at the examination hall were not inclined to receive the complaint, an immediate email to the Commission could have brought a prompt inquiry, and, if that were not the done by the Commission, the liability would stand on firm ground. All that apart, since the three petitioners are in a very minuscule minority compared to a much larger body of candidates, which decidedly in case Akanksha Gupta and Anand Kumar faced an identical disturbance, have not come forward to complain, much less move Court, we are of opinion that a direction to hold a special typing test, would lead to disturbing the outcome of a public examination, involving a large number of candidates.

64. It is well known that the difficulty level of a given test varies from case to case. If a written test were now directed to be held for the three petitioners alone, it would inevitably lead to a discriminatory result, and, that is the relief, which the petitioners seek. If on the other hand, for all the examinees or a number of them, re-examination were directed to be held, we do not have anything to show how many of them faced similar difficulties, except in case of the two labs, where Akanksha Gupta and Anand Kumar appeared. None of those candidates also have approached

the Court or complained. None of the other candidates, even in a representative capacity, are respondents to the two writ petitions; or for that matter, to any of the writ petitions, being decided by this judgment. In these circumstances, it is difficult to issue a direction to set aside the result of the Hindi Typing Test, directing it to be held all over again. In a public examination, where so many candidates have appeared, it would indeed be very inequitable to issue a direction to hold a re-test, where rights have already crystallized without protest from the majority of candidates.

65. We also have to bear in mind, so far as issuing a direction to hold a re-test is concerned, that there is no report from the Commission or any Committee or Authority of theirs, acting on the petitioners' complaint about the case of a malfunction of the computer software. It is only something that we have noticed during the screening. Reference in this connection may be made to a Bench decision of the Madras High Court in **S. Sai Priya and others v. Union of India and others, Writ Appeal No.1707 of 2025, decided on 03.07.2025**. It was a case where a batch of writ petitions were filed by candidates at the NEET (UG)-2025 examinations held at specified Centres in the State of Tamil Nadu by the National Testing Agency (for short, 'the NTA'), where on account of a power failure due to heavy rainfall, that lasted from 3.00 p.m. to 4.15 p.m., the candidates came up with a case of inequality in examination conditions with the other Centres, that did not encounter a similar problem. The writ petitioners sought a direction to conduct a re-examination for them and similarly affected candidates as well. The learned Single Judge having dismissed the five writ petitions, writ appeals were carried to the Division Bench. No doubt, there was in this case a decision taken by the NTA, after a thorough investigation under interim orders passed in the writ petitions, where the NTA opined that the

examination was conducted smoothly, despite the power breakdown, with the aid of natural light, apart from restoration of supply from a generator set. The Court found that an average number of questions were attempted by all candidates. It was opined that, amongst other things, a re-examination, if permitted, would severely affect the two millions candidates, who were involved. The Court ruled in favour of upholding the integrity of the educational assessment in conducting examinations. The following remarks of the Division Bench in **S. Sai Priya** (*supra*) are relevant:

"14. This Court is of the opinion that it is crucial to uphold the integrity of the educational assessments in conducting examinations and this Court cannot sit in an appellate jurisdiction against the considered decision of the speaking order passed by the NTA, after field verification of examination centre and statistical analysis by an independent expert committee with no affiliation to the NTA, unless such decision is demonstrated to be manifestly arbitrary, *mala fide* or illegal. In such circumstances, if any re-examination is permitted, the same would severely affect more than two million candidates. Therefore, we do not find any reason to interfere with the order impugned and the writ appeal lacks merit and the same is liable to be dismissed."

66. A similar question arose before a Bench of the Madhya Pradesh High Court in **National Testing Agency and others v. Laxmi Devi and others**, 2025:MPHC-IND:17837. Here also, the issue arose on writ petitions instituted by 78 students, who appeared in the NEET (UG), 2025 examination held on 04.05.2025 from different Centres located in Indore and Ujjain. The cause of action arose on account of adverse conditions created due to a severe thunderstorm and rainfall, leading to power failure during the examinations for hours in several Examination Centres at Indore and Ujjain. The candidates alleged that it affected their ability and performance to write their test. The writ petitioners said that there was no proper arrangement for power backup during electricity failure occasioned by the thunderstorm and rainfall. The

NTA contested the writ petitioners' case, admitting the power failure during the examination, but denying the petitioners' right to relief on ground that there was natural light, sufficient to answer the questions, which did not affect their ability to write the test. The learned Single Judge here allowed the writ petition and directed the NTA to conduct a re-examination for all petitioners/students, who had approached the Court before the release of the provisional answer key on 30.06.2025, while denying relief to those petitioners, who had approached Court after declaration of result.

67. Upon a writ appeal being carried by the NTA and another set by those students, who had failed before the learned Single Judge, that is to say, ones who preferred the writ petitions after declaration of result, the writ appeals preferred by the NTA were allowed, dismissing the writ petitions, and those filed by the students dismissed. In reaching conclusion, their Lordships of the Division Bench in **Laxmi Devi** (*supra*) took into account the principles laid down by the Supreme Court for the purpose of issuing directions to hold a re-test in **Vanshika Yadav v. Union of India, (2024) 9 SCC 743** and **Aditi and others v. National Board of Examination in Medical Sciences and others, 2025 SCC OnLine SC 1288**. In addition, the Division Bench had the great advantage of the report of a Committee of three Professors from IIT Delhi to examine the impact of the disturbance. This Expert Committee neither recommended grant of extra marks nor a re-test. It was in the context of all these facts that the Division Bench in **Laxmi Devi** held:

"56. Shri Tushar Mehta, learned Solicitor General also submitted that the case of Vanshika Yadav (*supra*) was related to NEET (UG) 2024 where question paper was leaked and illegally circulated amongst students before the conduct of examination in Hazaribagh (Jharkhand) and Patna (Bihar). In that case, the NTA identified 1563 candidates, who did not get 03 hours 25 minutes to answer the question

paper and suggested to the Court to take a re-test as per recommendations of the Special Ccommittee. But in the present case, there is no identification of candidates who were affected by this examination. Before the Writ Court only 78 writ petitions were filed and the Writ Court denied the relief to those petitioners who approached after the cut-off date i.e. 03.06.2025. Apart from that, more than 5000 students appeared in the centres where there was a power outage. Some of them have secured qualifying marks and one has secured AIR Rank - 2. All the students are not willing to appear in the re-test.

57. In our opinion, in the case of Vanshika Yadav (supra), the Apex Court has explained the conditions for issuance direction i.e. litmus test for a re-test, certain aspects such as; whether the alleged breach took place at a systemic level; secondly whether the breach was of a nature which affected the integrity of the entire examination process; and thirdly whether it was possible to segregate the beneficiaries of the fraud from the untainted students. Therefore, where the entire integrity of the examination was at stake, that could be a consideration for re-testing the entire examination. In fact, the decision to re-test for 1563 students was taken by way of an interim order dated 13.06.2024 by the Apex Court. Initially, the NTA constituted a Grievance Redressal Committee which recommended awarding compensatory marks to those students who were not allowed to utilize full time i.e. 03 hours and 20 minutes, but were granted lessor time. This was objected to by some of the petitioners before the High Court, thereafter, the NTA constituted another Committee to reconsider the issue which gave its recommendation to conduct the re-test. The said recommendation was placed before the Apex Court and the same was accepted by the Apex Court by way of an interim order dated 13.06.2024, which has been made absolute in the final order in the case of Vanshika Yadav (supra) is the consent order. The NTA came up with a proposal of re-testing on the basis of the recommendation of the Committee and accepted by the apex court.

58. In the present case also before taking any decision, the NTA constituted a committee of three independent professors from IIT, Delhi and the said Expert Committee has neither recommended for grant of extra marks nor re-testing. Therefore, NTA has not contested this case as an adversary litigant as rightly said by Shri Tushar Mehta, learned Solicitor General of India. The NTA constituted a Three Members' Committee, all the data was provided to the Committee and thereafter, the Committee recommended that it was not a fit case of awarding compensatory

marks or re-testing.

59. So far the case of Aditi (supra) is concerned, the Apex Court has rejected the proposal of the petitioner to conduct the examination in two shifts by holding that holding of examination in two shifts would invariably enable arbitrariness and would not entail at-par evaluation of the comparative merit of the candidates who take the examinations. No two question papers can ever said to be at an identical level of difficulty or ease. Paragraph - 10 of the aforesaid judgment is reproduced below:-

"10. Holding the examination in two shifts would invariably enable arbitrariness and would not entail an at-par evaluation of the comparative merit of the candidates who take the examinations. No two question papers can ever be said to be at an identical level of difficulty or ease. There is bound to be a variation. Normalization may be applied and adopted in exceptional circumstances but not in a routine manner year after year, especially when the number of candidates is not unduly large, as is the case presently."

[Emphasis Supplied]

60. Therefore, the above reasoning also answers the arguments of the learned counsel appearing for the writ petitioners that the NTA prepares the two sets of question papers and a re-test can be conducted from the second set of question papers. Second sets are always prepared in each and every examination in order to be used in case the first set of question papers is leaked, destroyed, lost etc. but in one examination, both sets of question papers cannot be used, either entire examination will be held with one set of question paper or another set of question paper.

61. As said by Shri Mehta, learned Solicitor General, the NTA is not taking up this matter as an adversary litigant, before taking any decision against the student a matter was examined by constituting a committee of experts and later on rejected the prayer for re-test as per opinion given by the such committee. In view of the above, we do not find that it is a fit case for a re-test of NEET (UG) 2005....."

68. In the present case, we do not have the advantage of any scrutiny by an Expert Committee, but as it seems, there is nothing to show that the integrity of the examination at a systemic level was

breached, affecting the entire process. Applying the principles in **Vanshika Yadav** as aforesaid, which the Division Bench of the Madhya Pradesh Court did in **Laxmi Devi**, it is difficult to hold that Hindi Typing Test had suffered a systemic failure, vitiating the entire examination process so as to merit a direction to hold a re-examination.

69. So far as the direction to hold a separate test for the petitioners is concerned, the principles in **Aditi** laid down by the Supreme Court and noticed by the Division Bench in **Laxmi Devi**, *vide* paragraph No.59 of the judgment, would apply to answer the claim for a similar relief by these petitioners. There would be a difference in difficulty level of a separate Hindi Typing Test, if directed to be held. And, there are no such exceptional circumstances that may merit that direction. It is, after all, not a case where the petitioners have come forward in large numbers or that the petitioners, who have come to Court, have suffered a complete denial of opportunity, *vis-a-vis* others, in a manner, where they have not been able to write their test at all or substantially. After all, two of the petitioners, that is to say, Arvind and Akanksha Gupta, have typewritten more than the minimum words prescribed in the five-minute test.

70. The principle that for a minuscule minority of candidates, adversely affected by some mismanagement during the examination, where they have not been able to perform their best, a direction to hold a re-examination cannot be issued, would be best illustrated from the brief judgment of the Supreme Court in **National Testing Agency v. Vaishnavi Vijay Bhopale and others, (2023) 2 SCC 322**. It reads:

"1. Respondents 1 and 2 had filed a writ petition before the High Court of Judicature at Bombay seeking a direction to the petitioner to re-examine

them by conducting a separate NEET examination before the declaration of results for admission to undergraduate medical courses for the academic year 2021-2022. Respondents 1 and 2 appeared in NEET (UG) Examination conducted on 12-9-2021 and were in the same room. At the time of distribution of the question papers and the answer booklet, there was a mix-up and different booklets and answer sheets which did not match the code were given to them.

2. As per the instructions to the students, Respondents 1 and 2 reported the mix-up between the answer sheet and the booklet to the invigilators. The invigilators did not rectify the mistake pointed out by Respondents 1 and 2 and within the short time that was left, Respondents 1 and 2 answered as many questions as they could.

3. Pursuant to order dated 7-10-2021 [*Vaishnavi Vijay Bhopale v. National Testing Agency*, 2021 SCC OnLine Bom 4606] passed by the High Court in the writ petition filed by Respondent 1 and 2, a suggestion was made on behalf of the appellant that the answer key shall be implemented for scoring/evaluation of the 6 candidates in whose cases there was a mix-up in distribution of the test booklet code and OMR sheet as per the sequence of questions given in the test booklet code as attempted by them.

4. On 20-10-2021, the High Court disposed [*Vaishnavi Vijay Bhopale v. National Testing Agency*, 2021 SCC OnLine Bom 4607] of the writ petition directing the petitioner to hold a fresh examination for Respondents 1 and 2 and declare the results within a period of two weeks from the date of the order. Aggrieved thereby, the appellant has filed this special leave petition.

5. On 28-10-2021, this Court stayed [*National Testing Agency v. Vaishnavi Vijay Bhopale*, 2021 SCC OnLine SC 1167] the impugned judgment [*Vaishnavi Vijay Bhopale v. National Testing Agency*, 2021 SCC OnLine Bom 4607] of the High Court till further orders. On that day, we requested the learned Solicitor General of India to suggest the course of action to be adopted in respect of Respondents 1 and 2 who have suffered due to the fault of the invigilators.

6. We are informed that the results of NEET UG 2021-2022 have been announced. The learned Solicitor General submitted that the answer sheets of Respondents 1 and 2 have been corrected on the basis of the suggestion that was given by the petitioner to the High Court. Without insisting on the test booklet code and OMR sheets being different, the

answers given by the petitioners have been evaluated. He submitted that a fresh examination to be conducted for Respondents 1 and 2 as directed by the High Court would set a bad precedent. Another candidate has approached the High Court and the writ petition is pending.

7. Mr Sudhanshu Choudhary, learned counsel appearing for Respondents 1 and 2 relied upon the order of the High Court to submit that undisputedly, there was an error committed by the invigilators in distribution of the paper booklet and the answer sheets. After having accepted that there was a mistake committed by the invigilator, Respondents 1 and 2 who have an excellent academic record should not be made to suffer. The attempt made by Respondents 1 and 2 within the limited time that was available to them was under severe stress. He requested that this Court should not interfere with the direction given by the High Court to the petitioner to conduct a fresh examination for Respondents 1 and 2.

8. There is no dispute that there was a mix-up in distribution of the answer sheets and the test booklet where the code is different. Realising that a wrong answer given to a question would attract negative marks and also relying upon the instructions given to the candidates, Respondents 1 and 2 pointed out to the invigilators that the correct answer sheet with a proper code has to be provided to them.

9. We have perused the answer sheets of Respondents 1 and 2 and the marks given to Respondents 1 and 2 from the material furnished by the learned Solicitor General on 28-10-2021. They have attempted most of the questions. No negative marks have been given to them. We find substance in the submissions of Mr Choudhary that due to the loss of precious time, Respondents 1 and 2 could not answer all the questions and we also appreciate the mental state of mind of Respondents 1 and 2 due to the confusion.

10. Though, we sympathise with the cause of Respondents 1 and 2, we find it difficult to direct re-examination for them alone. Therefore, we set aside [*Vaishnavi Vijay Bhopale v. National Testing Agency*, 2021 SCC OnLine Bom 4607] the direction given by the High Court to the petitioner to conduct re-examination for Respondents 1 and 2."

(emphasis by Court)

71. In view of all these principles that emerge, we find and hold that notwithstanding some hardship that the petitioners in these

two writ petitions might have faced, it is not possible to grant any relief to them in the exercise of our jurisdiction under Article 226 of the Constitution.

72. In the result, all the writ petitions fail and are **dismissed**.

73. There shall be no order as to costs.

Order Date :- 18.7.2025

Anoop

(J.J. Munir)
Judge