

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (C) No.1654 of 2018

Ishita, Aged about 18 years, D/o Raksha Awasthi, R/o VIP Bungalow No.5, Rohini Vihar, Green Park Colony, Bilaspur (C.G.)

---- Petitioner

Versus

1. Union of India, Through the Secretary, Ministry of Human Resource Development, Shastri Bhawan, Dr. Rajendra Prasad Road, New Delhi – 110 001.
2. The National University of Advanced Legal Studies (NUALS), Kochi, “CLAT 2018 – Organizing University”, Through its Registrar, NUALS Campus, HMT Colony, P.O. Kalamassery, Kochi, Kerala – 683 503.
3. Core Committee – Common Law Admission Test 2018, Through its Convener Vice-Chancellor, National University of Advanced Legal Studies (NUALS), Kochi, NUALS Campus, HMT Colony, P.O. Kalamassery, Kochi, Kerala – 683 503.

---- Respondents

For Petitioner:	Mr. Upendranath Awasthi, Senior Advocate with Ms. Raksha Awasthi, Advocate.
For Respondent No.1:	Mr. B. Gopa Kumar, Assistant Solicitor General of India, on advance copy.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

20/06/2018

1. The petitioner is a candidate who applied for CLAT Undergraduate Programme 2018. Her roll number is 10037772 and centre allotted was Alaska Computer Education, Near Old High Court, Bilaspur. She appeared in the said examination and has scored 99.25 marks. Pursuant to the liberty granted by the Hon'ble Supreme Court in W.P. (C)No.551/2018 (**Disha Panchal and others v. Union of India The Secretary and others**), she made a representation to the Grievance Redressal Committee appointed as per order dated 25-5-2018 and thereafter, as per final order of the Supreme Court dated 13-6-2018,

the revised score of candidates who have been considered for the benefit of normalisation for loss of time, if any, has been uploaded by the said Committee in which no change was found so far as the petitioner's score is concerned. Questioning that action and for directing to compensate marks of the petitioner on scientific and rationale formula and for direction to produce the video surveillance record and the petitioner's computer test window logs, this petition has been filed.

2. Mr. Upendranath Awasthi, learned Senior Counsel appearing for the petitioner, would submit that the revised score of the petitioner is incorrect in the context of the petitioner's video surveillance, computer test window log-in and internet protocols of the three computers with timings thereof, due to repeated shifting of her seat and also during the period she was facing computer problems with test window timer running. Therefore, in spite of test window timer showing full-time having been given to the petitioner, actually she could not work for about 35-40 minutes during which repeated mouse changes, display disappearing and so many other problems are faced as detailed in the writ petition. As such, the relief as claimed be granted to the petitioner. Various submissions were made in detail.
3. I have heard learned Senior Counsel appearing for the petitioner.
4. Pursuant to the order of the Supreme Court dated 25-5-2018 in **Disha Panchal** (supra), the petitioner made representation to the Grievance Redressal Committee. Her grievance has been considered by the Committee and revised score of the petitioner has been uploaded finding no change after applying the normalisation formula as indicated by the Supreme Court. It has been stated that she availed

full-time in seconds i.e. 7200. In order to challenge the said finding recorded by the Committee appointed by the Supreme Court, the petitioner has filed no material on record to question the said finding being it perverse or arbitrary except seeking production of record from the respondents.

5. Pursuant to the order of the Supreme Court, the high powered committee was constituted who has considered the case of the petitioner herein also including other candidates and has clearly recorded a finding that the petitioner's score remain unchanged. No doubt the petitioner is an outstanding meritorious student, but in absence of material on record, this Court is not inclined to interfere in the said finding recorded by the Grievance Redressal Committee appointed by the Supreme Court who has considered the case of the petitioner herein also.
6. It is pertinent to mention here that the Supreme Court by order dated 25-5-2018 appointed a two-member Committee chaired by Hon'ble Mr. Justice M.R. Hariharan Nair, Former Judge, High Court of Kerala and Dr. Santhosh Kumar G., Professor and Head of the Department of Computer Science, Cochin University of Science and Technology.
7. In this view of the matter, this Court cannot sit over the finding recorded by the said committee constituted by the Supreme Court chaired by a retired Hon'ble Judge of the High Court. I do not find any merit in the writ petition. The writ petition deserves to be and is accordingly dismissed without notice to the other side. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge