

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 561 of 2018**

(Order reserved on 10.07.2018)

(Order pronounced on 16.07.2018)

1. Ishita, aged about 18 years, D/o Raksha Awasthi, R/o VIP Bungalow No. 5, Rohini Vihar, Green Park Colony, Bilaspur, CG

---- Appellant/Petitioner**Versus**

1. Union of India through the Secretary, Ministry of Human Resources Development, Shashtri 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, PO 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, PO Kalamassery, Kochi, Kerala 683 503

---- Respondents

For Appellant	:	Shri U.N. Awasthi, Sr. Advocate assisted by Ms. Raksha Awasthi, Advocate
For Respondent No.1	:	Shri B. Gopa Kumar, Assistant Solicitor General.
For Respondents No. 2 & 3	:	Shri Sumesh Bajaj, Advocate

**Hon'ble Shri Justice Ajay Kumar Tripathi, CJ &
Hon'ble Shri Justice Pritinker Diwaker**

CAV Order

This appeal has been filed against the order dated 20.06.2018 passed by learned Single Judge in Writ Petition (C) No. 1654/2018 assailing various anomalies in CLAT undergraduate examination 2018.

2. Writ Court, by the order impugned herein, has dismissed the writ petition mainly on the ground that the Apex Court vide its order dated 25.05.2018 has already constituted a two-member Grievance Redressal Committee to look into all such matters and even before the said Committee representation of the petitioner was considered but no discrepancy as attributed by her was found to be correct as the appellant/writ petitioner had availed full time of 7200 seconds. Writ court was also of the view that since the Grievance Redressal Committee constituted on the directions of the Apex Court has negated the claim of the writ petitioner, it would not be proper to sit over its findings. It is worth mentioning that the appellant herein has raised almost all those points which have already been considered by the Apex court in the matter of **Disha Panchal and others v. Union of India and others, Rishi Dutt v. Union of India and others, and Akshat Aggarwal and others v. Union of India and others** reported in **AIR 2018 SC 2824**. Relevant portion of the said order reads as under:

The Grievance Redressal Committee so constituted, has since then filed a comprehensive report enclosing certain annexures. Copies of the report as well as annexures were directed to be given to the learned counsel appearing for

the parties to enable them to assist this Court. Paragraphs 4, 12 and 14 of the Report are as under:-

"4. The number of candidate writ petitioners as on 30-05-2018: 25 (Sl. Nos. 1-25 of Annexure - I of the first Report dated 29-05- 2018)

Number of complaints received up to the hearing of the case; i.e., 11.30 hrs on 25-05-2018 - 2676
Number of complaints received between 11.30 am and 7 p.m. on 25- 05-2018 - 115

Number of complaints received in the new e- mail id between 5.50 p.m. on 25-05-18 to 7.00 p.m. on 27-05-2018 - 5677.

12. The team of service providers representing the Sify provided the Committee with display of the Audit Report and all Supporting data available at the central server of the company. The names of these officers are in Annexure -II (already submitted along with the Report dated 29-05-2018). In certain cases the Committee felt that the explanation of the Service Provider regarding alleged lapses was essential. The details so obtained are in Annexure -III (already submitted along with the Report dated 29-05-2018).

14. On a perusal of the various complaints raised by the candidates, the Committee felt that they broadly fall under one or more of the following categories:

1. Frequent login failures.
2. Change of machines / mouse and disruptions.
3. Questions not visible in full or in part.
4. Registered answers disappeared.
5. Heat and unfavourable environment.
6. Commotion and distraction.
7. Time extension not effective as there was no re log in. 8. Undue time extension was given to some.
9. Deliberate cheating by closure of browser.
10. Power failure and absence of UPS needing multiple log ins and distraction of concentration.
11. Pre-examination preparation sessions were ineffective; very often machines had to be changed and distracted.
12. Invigilators unhelpful."

3. Again while disposing of the writ petitions the Apex Court

has observed as under:

“14. Since we have dealt with the matter and passed comprehensive directions, we request the High Courts to dispose of the pending matters raising challenge in respect of CLAT 2018, in the light of our directions.”

4. The issue raised in the writ petition is almost the same which was raised before the Apex Court. The Grievance Redressal Committee constituted on the direction of the Apex Court had submitted its report before the Apex Court and considering all the aspects of the case the Apex Court has disposed of various writ petitions.

5. Since the order of the Apex Court cited above is very eloquent, this Court is not supposed to reappreciate the issue already settled, and being so this Court has the only one option of not interfering with the order of learned Single Judge by dismissing this Writ Appeal.

6. Writ Appeal is dismissed.

Sd/-

(Ajay Kumar Tripathi)

Chief Justice

Sd/-

(Pritinker Diwaker)

Judge