
(2018) 07 CHH CK 0044
In the Chhattisgarh High Court
Case No : Writ Appeal No. 561 of 2018

Ishita	Vs	APPELLANT
Union Of India		RESPONDENT

Date of Decision : 16-07-2018

Acts Referred:

Citation : (2018) 07 CHH CK 0044

Hon'ble Judges : AJAY KUMAR TRIPATHI, J;PRITINKER DIWAKER, J

Bench : Division Bench

Advocate : U.N. Awasthi, Raksha??Awasthi, B. Gopa Kumar, Sumesh Bajaj

Final Decision : Dismissed

Judgement

1. 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 â?" 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.