

ITEM NO.14

COURT NO.2

SECTION IV-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 1752/2023

(Arising out of impugned final judgment and order dated 16-01-2023 in CWP No. 165/2023 (O&M) passed by the High Court Of Punjab & Haryana At Chandigarh)

ARJUN (MINOR) THROUGH HIS FATHER Petitioner(s)

VERSUS

CONSORTIUM OF NATIONAL LAW UNIVERSITIES & ANR. Respondent(s)

(IA No. 14845/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 14844/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 24-01-2023 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE ABHAY S. OKA

For Petitioner(s) Ms. Meenakshi Arora, Sr. Adv.
Mr. Prasouk Jain, Adv.
Ms. Kshirja Agarwal, Adv.
Mr. Anshuman Srivastava, AOR
Mr. Shikhar Kaushal, Adv.
Mr. Karan Sinha, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

This is one case where we find it difficult to purely proceed on sympathies, much as we would have the same!

The petitioner, a young boy of 17 years, belonging to the OBC category (non-creamy layer) obtained an All India Rank (general) 481 and All India Rank (OBC) of 30 in CLAT 2023 UG examination.

However, he made a crucial mistake while filling the form- he informed that he belonged to the creamy layer even though he uploaded his certificate of OBC where it was stipulated that he was not a part of the creamy layer. This mistake has caused the candidate heavily as despite his merit, if he is treated as creamy layer candidate, then the benefit of reservation would not be available. The petitioner made a grievance about the same and then filed a writ petition before the High Court of Punjab and Haryana at Chandigarh in CWP No.165 of 2023 (O&M) which was decided on 16.1.2023.

A perusal of the order shows that after arguing at length, learned counsel for the petitioner confined the grievance to his application stated to be pending before the Grievance Redressal Committee, constituted by the Consortium of National Law Universities (respondent No.1) vide notification dated 23.12.2022 to be considered sympathetically. On an advance copy being made available, learned counsel for the respondent appeared and submitted that the application of the petitioner as regards his grievance pending before the Grievance Redressal Committee, shall be considered and decided expeditiously in accordance with law. The petitioner has filed a special leave petition under Article 136 of the Constitution of India against the said order. To say the least, there is no ground which would be sustained in such a circumstances in a special leave petition.

We put to learned senior counsel for the petitioner that the impugned order does not even specify the time frame within which

such a representation is to be decided. Be that as it may, there is no doubt that the Grievance Redressal Committee has to take a call so that if the petitioner is successful, the plea does not become illusory. We are informed that the first round of counselling is over and carried out over the last week and the next counselling is now on 27th January, 2023.

We thus call upon the Grievance Redressal Committee to take a call on the representation in time so that on the petitioner succeeding, he is not deprived of the relief as according to the counsel on instructions even after the first set of counselling, apparently seats could have remained available. We may note that the petitioner with his rank would possibly get admission in one or the other law school but his endeavour is that if the representation is decided favourably, he may get admission in the Bangalore Law School.

We, thus, dispose of the special leave petition accordingly.

Order dasti to be served to the respondent No.1.

Pending applications stand disposed of.

(RASHMI DHYANI PANT)
COURT MASTER

(POONAM VAID)
COURT MASTER