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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 7492/2020 and CM Nos. 24995/2020, 25612/2020

SURAJ KUMAR & ANR. ... Petitioners
Through Ms.Bina Madhavan, Adv.

versus

NATIONAL LAW UNIVERSITY, DELHI
& ANR.

Through Mr.Rajshekhar Rao, Mr.Sanjay Vashishta, Mr.S.D. Sharma, Mr.Anandh Venktaramani and Mr.Areeb Amanullah, Advs. for R-1. Mr.Amit Bansal & Ms.Seema Dolo, Advs. for R-2. ... Respondents

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **19.10.2020**

This hearing is conducted through video conferencing.

1. This writ petition is filed by the petitioners seeking an appropriate direction to direct the respondents to conduct re-examination afresh for the aggrieved petitioners who appeared for the All India Law Entrance Test, 2020 (AILET-20) conducted through the National Testing Agency at its test centre having its venue at Rapid Online Solutions, Ground Floor B-1/E7 Pec Building, Mohan Cooperative Industrial Estate, New Delhi on 26.09.2020 from 11.00 AM to 12.30 PM.

2. Petitioner No.1 is said to be an OBC candidate who had secured an All India Rank of 182 last year in the general category and missed out a seat merely by four to five marks. On 26.09.2020, the petitioners are said to have

appeared for AILET-2020 exam conducted through respondent No.2 at the test centre as noted above. It has been urged that there were various issues experienced while conduct of the exam. Some examples given are that the candidates were asked to go from one end of the centre for verification during the examination while the candidates' timer was running out which was not the case in other centres. There was a lot of commotion as some of the candidates were not able to log-in and faced other problems. Petitioner No.1's paper started at 11.00AM but he was not able to concentrate on the exam for more than 20 minutes because of the ruckus, panic and disturbance among the aggrieved students whose examination did not start at the correct time. They had to call the technicians and invigilators around them due to which there was noise around. Petitioner No.2's paper is said to have started at 11.10AM for which she was already in panic and urging for help from the invigilators.

3. It is stated that the aforementioned exam was for the duration of 90 minutes and the petitioners had literally 30 seconds to answer each question. The whole commotion that was created spoiled the concentration of the petitioners and created problems for them to complete the exam in a proper manner.

4. The respondent No.1/National Law University, Delhi has filed a short affidavit. It has been pleaded in the short affidavit that no other student from the said centre has complained other than the petitioners. It is also pointed out that in one centre located at Narela, the Observer of the University had informed the University that there were extensive technical issues and the University on the basis of the said report cancelled the test for the said centre scheduled on 26.09.2020 and ordered a retest on 29.09.2020. In the

present case, no other candidate has come forward alleging disturbance at the centre whatsoever.

5. Similarly, respondent No.2/ National Testing Agency has also filed its affidavit. Respondent No.2 has pointed out that petitioner No.1 had logged-in at 10.49 AM and started his exam at 11.01 AM and petitioner No.2 logged-in at 10.49 AM and started her exam at 11.01 AM. They got complete 90 minutes to appear in the examination. Based on the above, it is pleaded that there were no glitches in the conduct of the examination which was conducted smoothly and no irregularity was observed.

6. I have heard learned counsel for the parties.

7. Learned counsel for the petitioners has pointed out that the counselling process is over now and the seats have been filled up. She has however pointed out that the claim of the respondents that there were no glitches in the conduct of the examination is incorrect. She relies upon the report of the Observer Prof. Neeraj Kumar dated 26.09.2020 which notes that at the Centre in question, there were few issues of log-in in certain cases. She prays that a supernumerary seat be created and petitioner No. 1 be accommodated especially considering the fact that he is on the waiting list of the respondents.

8. Learned counsel for respondent No.1 has pointed out that all the seats have been filled up. He has reiterated the contentions raised in the counter affidavit.

9. Learned counsel for respondent No.2 has also taken me through his counter affidavit to submit that there were no glitches in the conduct of the examination.

10. I may have a look at the short affidavit filed by respondent No.2,

relevant portion of which reads as follows:-

“6. That further, even as per the analysis of the Service Provider, there were no technical glitches in the Examination Centre in question AILET 2020 held on 26th Sep 2020. The report of the Service Provider is reproduced as under:

a) The Petitioner No.1 logged in at 10.49 a.m. and started his exam at 11:01:53 am. The petitioner No.1 submitted his exam at 12:32:32 hours and got complete 90 minutes.

b) The Petitioner No.2 logged in at 10:49 a.m. and started her exam at 11:01:28 a.m. Her computer had developed some problems at one time. However, the same was promptly addressed and resolved. She submitted her exam at 12:37:08 hours with an additional 7 minutes.

c) Therefore, both the candidates logged in at 10:49 AM in the system and got complete 90 minutes to appear in the examination.

d) Further, the Report from the Server Manager who was deployed on the Test Centre is also relied upon. The Certificate from the Server Manager is reproduced as under:

“All the Candidates present on the exam day started and ended their exam successfully with proper timing. There was no technical issue reported by the candidate at the Test Centre”

7. That in view of the above, it is clarified at the Examination Centre in question, the exam was concluded smoothly and no irregularity was observed.”

11. It appears that the petitioners have received the full 90 minutes to complete the exam. There appears to have been perhaps some issues faced by some of the students around them. In my opinion, that per se cannot be a ground to set aside the exam for the entire centre.

12. That apart, the report of the Observer-Prof. Neeraj Kumar dated 26.09.2020 also gives a clean slate to the conduct of the examination at the

centre other than that observation that there were few issues of log-in in certain cases. However, it is not the case of the petitioners that the log-in was delayed in their case.

13. Accordingly, there is no merit in the petition and the same is dismissed. All other pending applications, if any, are also dismissed.

JAYANT NATH, J.

OCTOBER 19, 2020/st/rb