

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION**

WRIT PETITION (CIVIL) NO. 234 OF 2018

SHANTANU KUMAR & ORS. .. PETITIONER(S)

VERSUS

UNION OF INDIA & ORS. .. RESPONDENT(S)

O R D E R

1. We have heard Shri Prashant Bhushan, learned counsel, for the petitioner(s) and Shri A.N.S. Nadkarni, learned Additional Solicitor General. We have perused the report, dated 18.10.2019 of the Committee appointed by this Court.

2. We find that there are two aspects of the report submitted by the Committee. The first aspect deals with the malpractice said to have been committed in the Combined Graduate Level Exam II, 2017 in which about 1.5 lakhs candidates appeared. The other aspect is the one pertaining to reforms of this examination.

3. As far as the first aspect is concerned, we find that paragraphs 10 and 11 of the report indicate that the Committee has categorically stated that "it is not possible to record a conclusive finding that

the entire examination process of Second stage of Combined Graduate Level Examination, 2017 (CGLE) conducted by the Stage Selection Commission through SIFY was tainted by large scale leakage or other malpractices/ unfair means" and further again "the Committee is also of the view that in the absence of any concrete material to show that the examination is vitiated due to leakage of paper or other malpractices or unfair means, there is no valid ground or justification to scrap the entire examination."

4. Shri Prashant Bhushan has strongly objected to the above observation of the committee relying on passages from the CBI report dated 19.04.2019. According to the said report, the papers are leaked by the custodian of the papers themselves. Shri Bhushan also relied on other passages of the report to suggest that there indeed was a large scale leak and also unfair means of practice by allowing students to obtain remote access from their computers in the examination centres. There is no doubt that this report was also placed before the Committee and the Committee does not specifically deal with the details pointed out by the CBI. We have, however, no

doubt that the Committee duly considered the various aspects before recording the above conclusion. We are therefore, not in a position to accept Shri Bhushan's objections.

5. Shri Bhushan also relied on the judgment in the case of Tanvi Sarwal vs. Central Board of Secondary Education and Ors., (2015) 6 SCC 573 and in particular, paragraphs 18 and 19 of the judgment.

6. However, in the cited case there was no specific report of the Committee set up by this court which has concluded that it is not possible to record a conclusive finding that the entire examination process is tainted.

7. As far as the second aspect is concerned, we record appreciation for the suggestions made by the Committee for the reforms in the system. We direct that the said reforms suggested by the Committee shall be implemented immediately without any delay.

8. We express our appreciation for the Committee in undertaking this investigation.

9. The writ petition is accordingly disposed of.

10. In view of order passed above, all the applications stand disposed of.

.....CJI.
[S.A. BOBDE]

.....J.
[B.R. GAVAI]

.....J.
[SURYA KANT]

NEW DELHI,
MARCH 05, 2020.

ITEM NO.6

COURT NO.1

SECTION PIL-W

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

Writ Petition(s)(Civil) No(s). 234/2018

SHANTANU KUMAR & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA No. 162783/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 41028/2018 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 88367/2018 - CLARIFICATION/DIRECTION
IA No. 54938/2018 - I/A FOR FILLING ADDITIONAL DOCUMENT
IA No. 181682/2018 - INTERVENTION/IMPLEADMENT
IA No. 176335/2018 - INTERVENTION/IMPLEADMENT
IA No. 160959/2018 - INTERVENTION/IMPLEADMENT
IA No. 133637/2018 - INTERVENTION/IMPLEADMENT
IA No. 67913/2019 - MODIFICATION
IA No. 712/2019 - MODIFICATION
IA No. 145079/2018 - MODIFICATION OF COURT ORDER)

Date : 05-03-2020 This matter was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE SURYA KANT

For Petitioner(s) Mr. Prashant Bhushan, AOR
Mr. Rahul Gupta, Adv.
Ms. Neha Pathi, Adv.

Mr. Gaurav Goel, AOR

For Respondent(s) Mr. ANS Nadkarni, Ld. ASG
Mr. Vikramjit Banerjee, Ld. ASG
Ms. Kiran Suri, Sr. Adv.
Mr. Sachin Sharma, Adv.
Mr. Anmol Chandan, Adv.
Mr. Vinod Singh, Adv.
Mr. Rahul Gaur, Adv.
Mr. S.S. Rebello, Adv.
Ms. Arzu Paul, Adv.
Mr. Neeleshwar P., Adv.
Mr. Nachiketa Joshi, Adv.
Mr. Nachiketa Dave, Adv.
Mr. Arvind Kumar Sharma, AOR

Ms. Pallavi Pratap, AOR
Ms. Vaneeta, Adv.

Mr. Arjun Singh Bhati, Adv.
Mr. Piyush Sharma, Adv.
Mr. Arjun Singh Bhati, AOR

Mr. Krishna Dev J., Adv.
Mr. Piyush Sharma, Adv.
Mr. Krishna Dev Jagarlamudi, AOR

Mr. Devasish K.M.K. More, Adv.
Mr. Hitesh Kumar Sharma, Adv.
Ms. Visakha Kishore Apte, Adv.

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

The writ petition is disposed of in terms of the signed order.

The view of order passed in the writ petition, all the applications stand disposed of.

[CHARANJEET KAUR]
ASSTT.REGISTRAR-CUM-PS

[INDU KUMARI POKHRIYAL]
ASSTT. REGISTRAR

[Signed order is placed on the file]