

THE HON'BLE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No. _____ of 2018

Pranjal Goel

...Petitioner

Versus

Union of India and others

...Respondents

I N D E X

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NOTE:-

Total Court Fee Rs. _____

1. The main law points canvassed in this writ petition are mentioned at Page no.9 to 10 in Para no.8 thereto.
2. Relevant Rules/ Statute: Constitution of India.
3. Any other similar case: Nil
4. Any Caveat Petition: No

Chandigarh

Dated: 15.05.2018

NARENDER PAL BHARDWAJ
Advocate, P-2714-2011
Counsel for the Petitioner

LIST OF DATES AND EVENTS

- Petitioner is a meritorious student. He has appeared in 12th standard examination under Commerce stream from Central Board of School Education (CBSE) and the result is awaited.
- 13.5.2018 The petitioner was taking coaching for Common Law Admission Test since last 2 years from privates coaching institute. The petitioner recently appeared under Roll No. [REDACTED] in CLAT examination held on 13.05.2018.
- 13.5.2018 The petitioner was allotted examination centre i.e. Geeta Institute of Management and Technologies at Kurukshetra. Total 200 students appeared in the CLAT examination. The exam was scheduled from 3:00 PM to 5:00 PM. The petitioner was allotted a computer. Question paper did not appear on the screen of computer for 18 minutes and computer started hanging and basically the computer started 18 minutes late of time and

stopped again for 10 minutes because server was down in Lab No.6. Due to the said hanging problem, the question paper disappeared number of times. The petitioner made an oral request to the Invigilator. The Invigilator assured to the petitioner about giving extra time for completion of paper. However, no such time was granted.

13.5.2018

When petitioner came out from the examination hall, he came to know that the said technical problem was faced by about many students on all examination centre. Even in district Hisar, extra time was given to the aspirants and exam continued till 7 to 8 PM. The video in this technical problem and regarding granting extra time to the students at District Hisar examination centre is also viral on WhatsApp. This video can be brought on the record of this writ petition after receiving due instructions of this Hon'ble Court.

14.05.2018 Petitioner has also served representation in this regard to the Vice Chancellor of respondent no.2, to the Prime Minister office and Personal Secretary to Human Resources Ministry and Minister of Human Resources Development through their respective email IDs on 14.05.2018, but till date no action has been taken.

--- Hence, the present writ petition.

Chandigarh
Dated: 15.05.2018

NARENDER PAL BHARDWAJ
Advocate, P-2714-2011
Counsel for the Petitioner

IN THE HON'BLE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No. _____ of 2018

MEMO OF PARTIES

Pranjal Goel aged 18 years (DOB [REDACTED]) son of Shri Dr. Ashok
Kumar Goel, resident of [REDACTED]
[REDACTED].

...Petitioner

Versus

1. Union of India, Ministry of Human Resource Development (formerly known as Ministry of Education) through its Secretary, Headquarter, Shastri Bhawan, Dr. Rajendra Prasad Road, New Delhi.
2. The National University of Advanced Legal Studies, Kochi, Kerala through its Registrar, NUALS Campus, HMT Colony, P.O. Kalamassery, Ernakulam, Pin 683503.
3. Geeta Institute of Management and Technology, 166 K.M. Milestone on G.T. Road, Village Kanipla, Opp. Usha Mata Mandir, Kurukshetra, Haryana - 136119, through its Director/authorized representative.

...Respondents

Chandigarh
Dated: 15.05.2018

NARENDER PAL BHARDWAJ
Advocate, P/2714/2011
Counsel for the Petitioner

Civil writ petition under Articles 226/227 of the Constitution of India for issuing a writ in the nature of Mandamus whereby requisite necessary direction be issued to the respondent no.2 to conduct fresh examination for Common Law Admission Test (CLAT) qua the petitioner as the computer/machine assigned to the petitioner at examination centre did not work for around 30 minutes during different intervals and the petitioner could attempt only 132 questions out of 200 and no extra time was given despite an oral request to the Invigilator.

And

Further direct the respondent no.2 either to grant grace marks in proportion to the loss of time or to check the answer sheet by considering 132 questions as equivalent to 200 and accordingly percentile may kindly be determined.

AND/OR

Issue any other appropriate, order or direction which this Hon'ble court may deem fit and proper in the facts and circumstances of this

case.

RESPECTFULLY SHOWETH:

1. That the petitioner is citizen of India and permanent resident of aforesaid address. Therefore, he is competent to invoke the extraordinary writ jurisdiction of this Hon'ble court by filing of the present writ petition under Article 226/227 of the Constitution of India for the redressal of his grievances.
2. That the petitioner is a meritorious student. He has appeared in 12th standard examination under Commerce stream from Central Board of School Education (CBSE) and the result is awaited.
3. That the petitioner was taking coaching for Common Law Admission Test since last 2 years from private coaching institute. The petitioner recently appeared under Roll No. 10010194 in CLAT examination held on 13.05.2018. The petitioner applied Online for this examination. The online application form is annexed herewith as **Annexure P-1**. The petitioner was issued admit card, copy of which is annexed herewith as **Annexure P-2**.

The relevant information digitally available on the

website of CLAT is reproduced as under:-

“Common Law Admission Test is conducted as per memorandum of understanding executed among 19 universities seeking admission to various National Law Universities in the country. Common Law Admission Test (CLAT) is an all India common entrance test conducted on rotational basis by 19 National Law Universities (NLUs) for admission to their UG and PG degree program. The first CLAT core committee consisting of Vice Chancellor of seven participating NLUs decided that a Common Law Admission Test shall be conducted by all the participating universities on rotational basis in the order of their year of establishment. Accordingly, the first Common Law Admission Test (CLAT) was conducted in the year 2008. Presently there are 19 NLUs participating in CLAT and following the policy of rotation, the Eleventh Common Law Admission Test (CLAT-2018) is being organized by NUALS, Kochi.”

4. That the petitioner also deposited a fee of Rs.4000/- against this test. He was allotted examination centre i.e. Geeta Institute of Management and Technologies at Kurukshetra. Total 200 students appeared in the CLAT examination. The exam was scheduled from 3:00 PM to

5:00 PM. The petitioner was allotted a computer. Question paper did not appear on the screen of computer for 18 minutes and computer started hanging and basically the computer started 18 minutes late of time and stopped again for 10 minutes because server was down in Lab No.6. Due to the said hanging problem, the question paper disappeared number of times. The petitioner made an oral request to the Invigilator. The Invigilator assured to the petitioner about giving extra time for completion of paper. However, no such time was granted.

5. That when petitioner came out from the examination hall, he came to know that the said technical problem was faced by about many students on all examination centre. Even in district Hisar, extra time was given to the aspirants and exam continued till 7 to 8 PM. The video in this technical problem and regarding granting extra time to the students at District Hisar examination centre is also viral on WhatsApp. This video can be brought on the record of this writ petition after receiving due instructions of this Hon'ble Court.
6. That the petitioner could attempt only 132 questions out

of 200 within this short duration. He did not get fair time to attempt all the questions at par with other candidates all over India.

7. That the petitioner has also served representation in this regard to the Vice Chancellor and Registrar of respondent no.2, to the Prime Minister office and Personal Secretary to Human Resources Ministry and Minister of Human Resources Development through their respective email IDs on 14.05.2018, but till date no action has been taken. Copies of said representations are annexed herewith as **Annexure P-3 to P-7**.
8. That the following questions of law are involved in the present writ petition for the kind consideration of this Hon'ble court.
 - i) *Whether the fundamental right of the petitioner regarding equality of opportunity and equal participation has been curtailed and thereby he deserves the said opportunity afresh or relief as sought in the petition?*
 - ii) *Whether the procedure and time for conducting examination should be uniformly allotted to all the candidates?*

9. That the petitioner has no other remedy of appeal/revision under statute/rules except to approach to this Hon'ble Court by way of filing the present writ petition.
10. That the petitioner has not filed any such or similar writ petition for the same cause of action either in this Hon'ble Court or in any other court of law.

On the facts stated and submissions made above, it is respectfully prayed that this Hon'ble Court may please to:-

- i) Issue a writ in the nature of Mandamus whereby requisite necessary direction be issued to the respondent no.2 to conduct fresh examination for Common Law Admission Test (CLAT) qua the petitioner as the computer/machine assigned to the petitioner at examination centre did not work for around 30 minutes during different intervals and the petitioner could attempt only 132 questions out of 200 and no extra time was given despite an oral request to the Invigilator.
- ii) further direct the respondent no.2 either to grant grace marks in proportion to the loss of time or to

check the answer sheet by considering 132 questions as equivalent to 200 and accordingly percentile may kindly be determined.

- iii) issue any other appropriate, order or direction which this Hon'ble court may deem fit and proper in the facts and circumstances of this case.
- iv) service of advanced notices on the respondents be dispensed with;
- v) exempt the petitioner from filing the certified/typed copies of all annexures .
- vi) costs of the petition may kindly be awarded in favour of the petitioner.

It is further prayed that during the pendency of the writ petition, the result which is scheduled to be declared on 31.05.2018 may kindly be stayed, in the interest of justice.

Chandigarh

Dated: 15.05.2018

Petitioner

THROUGH:

NARENDER PAL BHARDWAJ
Advocate, P-2714-2011
Counsel for the Petitioner

VERIFICATION

Verified that the contents of para No.1 to 7 and 9 to 10 of the writ petition is true and correct to my knowledge and belief and that para no. 8 is based on the legal advice of the counsel. No part of it is false and nothing relevant has been concealed or misstated therein.

Chandigarh

Dated: 15.05.2018

Petitioner

THE HON'BLE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No. _____ of 2018

Pranjal Goel

...Petitioner

Versus

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...Respondents

Affidavit of Pranjal Goel aged 18 years

(DOB [REDACTED], son of Shri Dr. Ashok

Kumar Goel, resident of [REDACTED]

[REDACTED]

-

[REDACTED]

I, the above named deponent do hereby solemnly affirm
and declare as under:-

1. That the deponent is filing the present writ petition before this Hon'ble Court and is well conversant with the facts and circumstances of the case.
2. That the deponent has read and understood the contents of the said writ petition along with the prayer and the grounds and facts stated in the body of the petition and

deponent believe that all the facts stated in the petition are true & correct and the petition is being filed in this Hon'ble Court with the knowledge and belief of the deponent.

3. That the annexure filed along with the writ petition are true typed copies of their respective originals.
4. That the deponent has not filed any such or similar writ petition either in this Hon'ble Court or in the Hon'ble Supreme Court of India in the matter.

Chandigarh

Dated: 16.05.2018

Deponent

VERIFICATION

Verified that the contents of para No. 1 to 4 of the above affidavit are true and correct to my knowledge. No part of it is false and nothing material has been kept concealed there from.

Chandigarh

Dated: 16.05.2018

Deponent

Annexure P-1

Common Law Admission Test – 2018

Organized by

National University of Advanced Legal Studies, Kochi, Kerala,
India

COMMON LAW ADMISSION TEST – 2018

Registration Number : XXXXXXXXXX
Full Name : PRANJAL GOEL
Programme Applying for : UG
All India Category : General/unreserved
Applied for
Nationality : Indian
State of Domicile : Haryana
State of Residence : Haryana
State of Nativity : Haryana
Are you a person with : No
disability (PWD/SAP/
Divyang)?
Percentage of disability : --
Would you bring a : --
scribe?
Would you like to have : No
access to previous years
CLAT Question Paper in
e-format?
Examination City : Kurukshetra
Preferences 1
Examination City : Chandigarh

Preferences 2

Examination City : Delhi

Preferences 3

Application Fee and QP Fee (where QP to opted for)

Amount : 4000.00

Payment status : PAID

Reference ID : [REDACTED]

Transaction Date : [REDACTED]

Personal Details

Date of Birth : 27-02-2000

Age completed as on : 18

01.07.2018

Gender : Male

Father's Name : Ashok Kumar

Mother's Name : Renu Goel

Address for : [REDACTED]

Correspondence

Address 2 : [REDACTED]

District : [REDACTED]

State : Haryana

Pincode : [REDACTED]

Permanent address : [REDACTED]

Address 2 :

District : [REDACTED]

State : [REDACTED]

Pincode : Haryana

Contact Details

Mobile No. : [REDACTED]

Alternative Number : --

(Mobile No./Landline
No.)

Email ID : [\[REDACTED\]@barandbench.com](mailto: [REDACTED]@barandbench.com)

Educational Qualification

Exam Passed	Course	Appearing/ Appeared or Passed	Month and Year of Passing	Percentage
10+2 or its equivalent	Commerce	Appeared	---	---

National Law University

University Reservation Categories

in the order of your

preference

1 National Law School of

General

India University (NLSIU),

Bengaluru

2 National Academy of

General

Legal Study and

Are you a resident student of

Research (NALSAR)

Telangana? NO

University of Law,

Hyderabad

3 West Bengal National

General

University of Juridical

Sciences (NUJS),

Kolkata

4 National Law Institute University (NLIU), Bhopal	General
5 National Law Institute University (NLU), Jodhpur	General
6 Maharashtra National Law University (MNLU), Mumbai	Unreserved
7 Dr. Ram Manohar Lohiya National Law University (RMNLU), Lucknow	Unreserved Are you a candidate of Uttar Pradesh? NO
8 Gujarat National Law University (GNLU), Gandhinagar	Unreserved
9 Hidayatullah National Law University (HNLU)	Unreserved
10 Rajiv Gandhi National University of Law (RGNUL)	Unreserved
11 National Law University Odhisa (NLUO), Cuttack	General
12 National University of Study and Research in	General Are you (a) a resident of

Law (NUSRL) Ranchi

Jharkhand; OR (b) passed the qualifying examinations from institutions located in Jharkhand State; OR (c) ward of employee of Central/State Government/ University/ Public Undertaking/ Corporations/ Boards/ Academics etc. working in Jharkhand State: NO

13 National University of Advanced Legal Studies (NUALS), Kochi

General Category

True Copy

Advocate

Annexure P-2

COMMON LAW ADMISSION TEST – 2018

Organized by

The National University of Advanced Legal Studies, Kochi,

Kerala

ADMIT CARD

Details of the Examination Centre			
Test Centre City:	Kurukshetra	Seal Identification No:	10840
Address of the Centre	GEETA INSTITUTE OF MANAGEMENT AND TECHNOLOGY (CENTRE 1) 166 K.M. MILESTONE ON G.T. ROAD, VILLAGE KANIPLA OPP. USHA MATA MANDIR KURUKSHETRA HARYANA 136119		
Date of Examination	Time of Reporting	Time of Demo Examination	Time of Examination
13 th May, 2018	1.30 PM	2.30 PM to 2.50 PM	3.00 PM to 5.00 PM

Details of the Candidate	
Roll Number:	[REDACTED]
Name of the Candidate:	PRANJAL GOEL
Address for Correspondence	PRANJAL GOEL [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
Father's Name	ASHOK Kumar
Mother's Name	Renu GOEL
Date of Birth	[REDACTED]

Registration Number:	[REDACTED]
Programme applied for:	UG

Sd/-
Invigilator
Signature

Sd/-
Signature of the
Candidate in the
presence of the
Invigilator

Sd/-
Convenor,
Implementation
Committee CLAT 2018

Instructions of the Candidates

1. The candidate shall bring the Admit Card and the photo identity proof in original to the allotted Test Centre. No candidate will be permitted to appear for the Examination without Admit Card and photo identity proof.
2. The Candidate should retain the Admit Card, duly signed by the Invigilator, as the same is required to be produced at the time of admission to the respective NLUs.
3. The original of the Voter ID, Aadhaar Card, PAN Card, Driving License, Passport or Identity Card issued by the Institution last attended shall alone be considered as a valid photo identity proof.
4. Biometric attendance will be recorded at the Test Centre.
5. The Candidates are required to appear for the CLAT 2018 Online Examination at their own expense on the date, time and venue mentioned in the Admit Card.

6. The Candidate shall report at the Test Centre by 1.30 p.m. No Candidate shall be permitted to enter the Examination Hall after 2.00 p.m. The Candidate shall have to remain in the Examination Hall till 5.00 p.m.
7. No request for change in the examination centre will be considered under any circumstance.
8. Possession and use of electronic gadgets, storage devices, paper and other reference materials are strictly prohibited in the Examination Hall. If any candidate is found in possession of any of these devices/documents his/her candidature is liable to be cancelled.
9. Candidates would be frisked before entering the examination hall.
10. The Examination shall consist of multiple choice question of two hours duration. The question paper will be in English. There shall be 200 questions for UG and 150 for PG examination.

Online Test Instructions:

1. Your user ID is your Roll Number. The passwords will be provided to you inside the examination hall.

2. The duration of the Test is 2 hours.
3. For each question, four alternative answers will be provided out of which the candidate has to choose the correct answer. There is negative marking in the Examination. 0.25 marks will be deducted for each wrong answer.
4. Only one question will be displayed on the computer screen at a time. The candidate should click (Next Question) to go to the next question or on (Previous Question) button provided at the bottom of the screen to go to the previous question.
5. The candidate should click on the correct choice, from the four options given. In case the candidate does not wish to attempt a question, it can be left blank.
6. The timer is available on the TOP RIGHT HAND CORNER of the screen; you are requested to keep a tap on it to ensure that you plan your exam within the allocated time.
7. The candidate can choose to unkar his/her answer by clicking the (Base) button provided at the bottom of the screen.
8. The questions can be answered in any order within the given time frame.

9. The list of attempted and under section-attempted questions is shown on the right side of the screen. You can click on any of the attempted ones to revise the answers in case you wish to.
10. Candidates have the option to bookmark a question in case they want to review it at a later stage by clicking on the (Tag) button available at the bottom of the screen. The Bookmark on the particular question can be removed by clicking on (Deponent-Tag).
11. The question palette at the right of the screen shows the following status of each of the questions numbered
 - You have answered the question
 - You have not answered the question and marked for review
 - You have answered the question but marked for review
 - You have not answered the question

PS: Questions which are attempted and marked for review would be treated as attempted questions only as long as the candidate does not (Erase) the option selected.
12. Candidates should use the (Next Question) OR (Previous Question) button or click on the question number displayed at the right side of the screen to move back and

forth between questions.

13. The answers will be saved whenever the candidate goes to the next question, by clicking (Next Question) OR (Previous Question) button. However, the last question will be saved automatically after answering.
14. If a candidate finishes the paper within the stipulated time, he/she can end the examination by clicking the (Preview Submit) button. However, candidates will not be allowed to leave the examination hall till the end of the stipulated time.
15. On the completion of the examination duration, even if the candidate does not click on an answer or does not click on the (Preview Submit) button, the answer will be saved automatically by the system.
16. Any candidate found in possession of any unauthorized material or including in copying or impersonation or adopting unfair means shall entail action and cancellation of candidature.
17. In the event of the Examination being disrupted for technical reasons, the candidate should immediately inform the invigilator. The timer would automatically stop and the invigilator will help the candidate to re-login to the

Examination. This will start the Examination timer from where it had stopped.

18. Practice test is available on the CLAT 2018 website for practice for all candidates who have been issued Admit Cards for the exam.

True Copy

Advocate