

RAJ KUMAR GUPTA
v.
UNION OF INDIA AND ORS.

JANUARY 17, 2007

[DR. AR. LAKSHMANAN AND V.S. SIRPURKAR, JJ.]

Education/Educational Institutions : Entrance examinations—Leakage of question papers—Causing harassment to parents and students—Writ petition—Report submitted by Union of India—Held : Union of India having taken concrete steps to maintain secrecy and sanctity of the examinations, writ petition disposed of—Public Interest Litigation.

Frequent leakage of question papers shook confidence of honest students and their parents on the system and caused them great harassment and depression. Petitioner filed public interest litigation. Union of India filed counter affidavit through its Secretary, Central Board of Secondary Education and respondent No. 2 through its Under Secretary, Department of Secondary and Higher Education, Ministry of Human Development. Union of India filed a report in sealed cover regarding the security measures taken by the Combined Admission Test Group of various IIMs.

Disposing of the writ petition, the Court

HELD : 1. On perusal of report it is found that the Union of India has taken concrete steps in order to maintain the secrecy and sanctity of the examinations. In view of the leakage of All India Pre-Medical/Pre-Dental Entrance Examination, 2004 question paper, Central Board of Secondary Education reviewed and scrutinized its system to prevent re-occurrence of such incidence and introduced additional measures of security. Entrance exam was rescheduled and conducted successfully. Respondent No. 2 stated that CAT, 2003 was alleged to have been tainted by alleged leakage of the question paper, Examination was cancelled and the entire procedure for the CAT was reviewed. Several stringent measures were taken in respect of security of the printing process, security for booklets, test construction security, on-site security, review of administrative procedures for test administration, deployment of faculty and oversight staff, transportation security, secure internal communication systems, storage of question papers

A and answer sheets and security audit in a manner so as to ensure the sanctity of the examination process while at the same time not inconveniencing the student community. Since adequate and satisfactory steps have already been taken for securing the sanctity of the admission process and by recording the confidential report submitted by Union of India, it is hoped that the steps taken by Union of India continued to be implemented strictly in letter and spirit. [Paras 5 and 6] [1087-D-F, 1088-A-B]

CIVIL ORIGINAL JURISDICTION : Writ Petition (Civil) No. 223 of 2004

UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA

C S.S. Tiwari, Mukul Dubey, Amit Mehra, Shashank Anand and Mridula Ray Bharadwaj for the Petitioner.

Tara Chandra Sharma, Neelam Sharma, Lakshmi Raman Singh and P.Parmeswaran for the Respondents.

D Gopal Subramaniam, A.S.G., T. Srinivasa Murthy and Sushma Suri for U.O.I.

The Judgment of the Court was delivered by

E **DR. AR. LAKSHMANAN, J. :** 1. Heard Mr. S.S. Tiwari, learned counsel for the petitioner and Mr. Gopal Subramaniam, learned Additional Solicitor General for the respondents. The above writ petition was filed by way of Public Interest Litigation by one Raj Kumar Gupta. The petitioner of this writ petition wants to raise the issue of leakage of question papers of various exams. and that the frequent leakage of question papers has shaken the confidence of honest students and their parents on the system and has caused great harassment and depression on them.

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G 2. This Court upon hearing the counsel issued notice to the Union of India and others. The Union of India has also filed their counter affidavit through its Secretary, Central Board of Secondary Education, New Delhi. Respondent No.2 has also filed its counter affidavit, through its Under Secretary, Department of Secondary and Higher Education, Ministry of Human Resource Development, New Delhi.

H 3. When the matter was listed on 20.11.2006, we directed the Union of

India to file an affidavit along with annexures in the sealed cover. On 11.12.2006, the Union of India placed before us a report in sealed cover in regard to the security measures taken by the Combined Admission Test Group of various IIMs in the matter of securing the question papers from the time that they are set, to the time that they are finally evaluated and the results declared including security measures in regard to transportation and storage of question papers. The Registrar General was directed to keep the same in a sealed cover in safe custody and place the same before the Court when it was required.

4. On 08.01.2007, we directed the Registry to circulate the Report in closed envelope to both of us. Accordingly, the Report was circulated to both of us.

5. We have carefully perused the Report and we return the same to Mr. Gopal Subramaniam, learned ASG. We are satisfied that the Union of India has taken concrete steps in order to maintain the secrecy and sanctity of the examinations. The steps taken by the Central Board of Secondary Education have also been explained in detail. It is also stated that in view of the leakage of All India Pre-Medical/Pre-Dental Entrance Examination, 2004 question paper, the Central Board of Secondary Education has reviewed and scrutinized its system to prevent re-occurrence of such incidents and additional measures of security have been introduced during paper setting, printing of question paper, mode of transport of question paper to the examination centers and also the preparation of examination results. It is also submitted in the counter affidavit that the CBSE rescheduled the All India Pre-Medical/Pre-Dental Entrance (Preliminary) Examination, 2004 within a week's time and conducted it successfully on 17.04.2004.

6. We have perused the counter affidavit filed by respondent No.2. It is stated therein that the CAT, 2003 which has held on November 23, 2003 was alleged to have been tainted by alleged leakage of the question paper. The said examination was, therefore, cancelled. On February 1, 2004, a meeting of the CAT group was held and the entire procedure for the CAT was reviewed. It is also further explained in regard to the several stringent measures in respect of security of the printing process, security for booklets, test construction security, on-site security, review of administrative procedures for test administration, deployment of faculty and oversight staff, transportation security, secure internal communication systems, storage of

- A question papers and answer sheets and security audit in a manner so as to ensure the sanctity of the examination process while at the same time not inconveniencing the student community. Since adequate and satisfactory steps have already been taken for securing the sanctity of the admission process and by recording the confidential report submitted by the Union of India, we express our sincere hope that the steps taken by the Union of India
- B continued to be implemented strictly in letter and spirit.

The writ petition stands disposed of accordingly. No costs.

N.J.

Writ petition disposed of.