

ITEM NO.4 Court 6 (Video Conferencing)

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Miscellaneous Application No.1790/2020 in W.P.(C) No(s).1030/2020

(Arising out of impugned final judgment and order dated 21-09-2020 in W.P.(C) No.1030/2020 passed by the Supreme Court Of India)

RAKESH KUMAR AGARWALLA

Petitioner(s)

VERSUS

NATIONAL LAW SCHOOL OF INDIA UNIVERSITY, BENGALURU Respondent(s)

(IA No. 97489/2020 - CLARIFICATION/DIRECTION AND IA No. 97683/2020 - EXEMPTION FROM FILING AFFIDAVIT)

Date : 28-09-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHUSHAN  
HON'BLE MR. JUSTICE R. SUBHASH REDDY  
HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s)

Ms. Garima Prashad, AOR  
Mr. Sumit Chander, Adv.  
Mr. Vinay Kumar, Adv.  
Mr. Abhishek Kumar, Adv.  
Ms. Divya Srivastava, Adv.

For Respondent(s)

Mr. K. Parameshwar, Adv.

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

Heard.

Learned counsel for respondent no.3 has submitted that in every centre, isolation room has been provided by the Centre Superintendent.

By our order dated 21.09.2020, we directed for conduct of CLAT 2020 examination on 28.09.2020 taking all

precautions and care for health of the students after following the Standard Operating Procedures (SOPs) of the Ministry of Health & Family Welfare (MoHFW) and Ministry of Human Resource Development (MHRD).

The applicant by this application in substance seeks a direction for providing an isolation room for himself in the exam centre of CLAT office to appear in the scheduled exam of CLAT on 28.09.2020. The applicant's case as disclosed in paragraph 3 of the application is:-

"3. That the applicant is a student aspiring to clear the CLAT exam and his holding a valid Admit card for the CLAT Exam. However, he is presently in isolation due to his being suspected of being COVID Positive. He is otherwise fine and is fully ready and prepared to give the Common Law Admission Test, 2020 (CLAT) examination scheduled to take place on 28.09.2020."

Applicant's case further is that although as per the admit card issued to the applicant, COVID-19 symptomatic candidates will be allocated to isolated room but instructions has been issued by the Consortium that candidates, who have been tested positive and are under medical surveillance or in isolation will not be permitted to take the CLAT, 2020 examination.

The petitioner has already received admit card

showing his centre as "ION Digital Zone IDZ Chitoura Road, Bhartiya Vidya Mandhir Shiksha Samiti, Gram Rai Chitoura Road, Morar, Gwalior, Madhya Pradesh - 474 006".

In the facts of the present case, we are of the view that the applicant should be permitted to take his CLAT examination on 28.09.2020 in a separate isolation room to be provided by his Centre Superintendent. The applicant shall ensure that downloaded copy of this order should be presented before his Centre Superintendent as early as possible by any other non-symptomatic person. On such order being produced, Centre Superintendent shall provide a separate room for applicant to appear in the examination. Applicant shall enter into centre after other candidates take entry and shall first leave the examination centre. Centre Superintendent may also request the Chief Medical officer of the District or Superintendent, Government Hospital to provide a medical staff to render necessary assistance. The application is disposed of accordingly.

(ARJUN BISHT)  
COURT MASTER (SH)

(RENU KAPOOR)  
BRANCH OFFICER