

ITEM NO.48

COURT NO.2

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)

(With appln(s). for appropriate orders/directions,
clarification/direction, filing additional documents,
intervention/impleadment, modification)

Date : 09-05-2019 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.A. BOBDE

HON'BLE MR. JUSTICE S. ABDUL NAZEER

For Petitioner(s)

Mr. Govind Jee, Adv.

Mr. Prashant Bhushan, AOR

For Respondent(s)

Mr. Atmaram N.S. Nadkarni, ASG

Mr. Vikramjit Banjerjee, ASG

Ms. Kiran Suri, Sr. Adv.

Mr. Anmol Chandan, Adv.

Mr. Nachiketa Joshi, Adv.

Mr. Sachin Sharma, Adv.

Mr. Arvind Kumar Sharma, AOR

Mr. Krishna Dev Jagarlamudi, AOR

Mr. Arjun Singh Bhati, AOR

Ms. Neema, Adv.

Ms. Prachi Pratap, Adv.

Ms. Pallavi Pratap, AOR

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

By consent the following order is passed:

There shall be a Committee headed by Justice
G.S. Singhvi, former Judge of this Court as Chairman.

The other members of the Committee will be as

follows:

- 1) Shri Nandan Nilekani, Ex CEO Infosys
- 2) Dr. Vijay P. Bhatkar, Computer Scientist
- 3) Shri Rajeev L Karandikar, Director, Chennai Mathematical Institute
- 4) Shri MC Sharma, RTD. Controller of Examinations, CBSE
- 5) Dr. Sanyam Bhardwaj, Controller of Exams CBSC (Serving)
- 6) Dr. B.K. Gairola, Ex. D.G. NIC

The terms of Reference shall be as follows :

a) Whether as per the investigation done by the CBI and hence its interim reports/status reports, is it possible to conclude that the entire examination process, per se, is/could have been tainted by leakage? If yes, can those beneficiaries be identified?

b) Whether other than leakage, any other means of malpractices and unfair means were resorted to by candidates, and whether the said malpractices/ unfair means were of such magnitude to taint the entire examination process?

c) Considering the totality of the facts and examining the entire process- Will the Committee suggest scrapping of the entire examination or taking action in case of individual case [if identifiable as per Reference No. [c] above]?

d) What mandatory technical precautions may be required to be taken for the future examinations with a view to minimize the possibility of any malpractice, use of unfair means or any other illegal method to gain undue/unfair advantage in the examination?

e) If the answer to Reference No. (a) above is affirmative-namely examination

requires to be re-conducted, will the Committee approve conduct of re-examination and all future examinations by the SSC through the newly engaged service provider, or will it prefer a reliable and specially designed government agency, like the National Testing Agency (NTA) for all such examination?

The Committee would be entitled to choose an agency other than the NTA, as may be advised.

f) Any other recommendation/suggestion which the Committee may consider appropriate for conducting such examination in future after having gone through the entire exercise."

In furtherance of the order dated 01.04.2019, we hereby vacate the entire order dated 31.08.2018. We make it clear that any action will be subject to the final orders of this Court. The Committee may take into account the views of the petitioner, the Central Government and the Central Bureau of Investigation (CBI). The Committee may submit a report within three months from the date of its first meeting.

List the matter in the month of August, 2019.

[Charanjeet Kaur]
A.R. -cum-P.S.

[Indu Kumari Pokhriyal]
Asstt. Registrar