

ITEM NO.16 Court 4 (Video Conferencing) SECTION X

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

Writ Petition(s)(Civil) No(s).434/2021

ABHISHEK ANAND SINHA & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ANR.

Respondent(s)

(FOR ADMISSION

IA No. 62357/2021 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 62356/2021 - INTERVENTION APPLICATION)

IA NO.81922/2021- IMPEADMENT APPLICATION

IA NO.82424 & 82426/2021-APPLICATIONS FOR INTERVENTION AND
EXEMPTION FROM FILING AFFIDAVIT

IA NO.83948 & 83949/2021-APPLICATION FOR PERMISSION TO FILE ADDL.
DOCUMENTS AND EXEMPTION FROM FILING ATTESTED AFFIDAVIT

WITH

W.P.(C) No. 459/2021

(FOR ADMISSION and IA No.53152/2021-EXEMPTION FROM FILING O.T.)

Date : 22-07-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR

HON'BLE MR. JUSTICE SANJIV KHANNA

For Petitioner(s) Mr. Gopal Sankaranarayanan, Sr. Adv.
 Mr. Raunak Nayak, Adv.
 Mr. Ishita Chaudhary, Adv.
 Mr. Samar Vijay Singh, AOR

Mr. Krishnan Venugopal, Sr. Adv.
Mr. Rohit Sharma, Adv.
Mr. Atul Agarwal, Adv.
Ms. Arju Chaudhary, Adv.
Mr. Kumar Dushyant Singh, AOR

For Respondent(s) Ms. Aishwarya Bhati, ASG
 Ms. Ruchi Kohli, Adv.
 Ms. Akanksha Kaul, Adv.
 Mr. Manish, Adv.
 Mr. A.K. Sharma, AOR

Mr. Devdutt Kamat, Sr. Adv.

Mr. Sachin Sharma, AOR
Mr. Satyavrat Sharma, Adv.
Mr. Rahul Gaur, Adv.

Mr. Maninder Singh, Sr. Adv.
Ms. Malvika Kapila, AOR
Ms. Natabrata Bhattacharya, Adv.

Ms. Malvika Trivedi, Sr. Adv.
Mr. Ashutosh Ghade, AOR
Ms. Sneha Balapure, Adv.

Mr. Naresh Kaushik, Adv.
Mr. Vardhman Kaushik, AOR

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

Applications for impleadment/intervention
are allowed.

Heard learned counsel for the respective
parties.

The petitioners have made an unsuccessful
attempt of persuading us to take a view that the
issue raised in the present writ petitions is not
covered by the decision of three Judge Bench of
this Court dated 24.02.2021 in *Rachna & Ors. vs.
Union of India & Anr., reported in 2021 (3) Scale
107.*

According to the writ petitioners, they form
a separate class - as they were forced not to
appear in the examination on the given date(s) on
account of directions issued by the local
authorities under the Disaster Management Act,

2005, including the general directions regarding isolation of Covid-19 patients and family members of Covid-19 patients.

According to them, the situation was one of forced default, for which they cannot be compared with candidates who did not appear in the examination by choice.

Although, we may have full sympathy with writ petitioners and similarly placed students, for the difficult situation and the resultant consequences, they may suffer, but the issues raised by them, in our opinion, are covered by the decision of this Court in *Rachna & Ors. (supra)*.

The only indulgence that can be shown to the petitioners, including the applicants (interveners/impleaders), is to allow them to make representation to the appropriate authority, who may consider all aspects of the matter and take a lenient view in the light of the prevailing situation at the relevant time, if so advised.

We are not expressing any opinion either way with regard to the feasibility of resolution of the issues so raised. All aspects in that regard are left open.

The writ petitions and pending applications
are disposed of accordingly.

(NEETU KHAJURIA)
COURT MASTER

(VIDYA NEGI)
COURT MASTER