

**W.P. Nos.8810/2015 (PIL), 9892/2015, 10859/2015 &
W.P. No.10860/2015**

09.07.2015

Parties through their counsel.

Heard counsel for the parties.

Today we are limiting the consideration of the interim arrangement to be provided during the examination scheduled on 12th July, 2015.

2. In the writ petitions, filed as Public Interest Litigation, it is mentioned that keeping in mind the past experience and the situation emanating therefrom which was avoidable, has inevitably affected the fortunes of large number of candidates and aspirants intending to pursue medical course. The *modus operandi* in commission of unfair means during the examination was that the OMR Sheets submitted by the concerned candidate, after the examination, was later on tampered in connivance with the officials to benefit the candidate appearing in the examination.

3. In this context, it has been submitted by the petitioners that as a precautionary measure to obviate possibility of such attempt being repeated, is to capture the information /image of the OMR sheet submitted by the candidate immediately after the examination – by

scanning and creating soft copy thereof and which must be secured by making it uneditable in PDF form. Any attempt to tamper the same, can be immediately detected and concerned source attempting to do so, can be identified.

4. After having considered this submission, in our opinion, to ensure that examination is conducted in free and fair manner and no unfair means is permitted during the said examination or for that matter, after the examination is over and until the declaration of the result by the Competent Authority, the suggestion made by the petitioner is not only appropriate but can be acted upon without much difficulty. That can be done by providing high resolution/high speed Scanners at the concerned examination centres, which are not exceeding nine in the State of Madhya Pradesh. Considering the limited number of examination centres in the State, we were of the view that there should be no difficulty for the Authority responsible to conduct the examination in fulfilling this additional security measure.

5. In that context, we had suggested to the counsel appearing for the Association of Private Dental & Medical Colleges of M.P. (APDMC) to take instructions as to why such arrangement cannot be done at least in the examination centres within the State of Madhya Pradesh,

keeping in mind the past experience which is peculiar to the State of Madhya Pradesh.

6. Counsel appearing for the APDMC, on instructions, submits that the Authority has already nominated an independent agency of repute to conduct the said examination scheduled on 12th July, 2015. Further, due to paucity of time it may not be possible for the Agency to arrange for Scanners at the respective examination centres across the Country.

7. As noted earlier, we were more concerned about the examinations conducted in examination centres within the State of Madhya Pradesh in the context of the past experience in the State. Therefore, we had also called upon the State counsel to ascertain whether it will be feasible for the State Government to provide logistical support to the Agency appointed by the Authority for conducting the examination in this behalf, which, indeed, is required to be done under the supervision of the representatives of the Admission and Fee Regulatory Committee (AFRC). The State Government, we must place our appreciation on record, has responded favourably in this regard. The State Government is willing to take the responsibility of providing high speed/high resolution Scanners at the respective examination centres in the State of Madhya

Pradesh (in all nine). If need be, more than one Scanner with technical persons to operate the same will be provided depending on the requirement of the concerned examination centre.

8. Learned counsel for the Authority submits that if such facility is made available, the Authority will take the responsibility of all the expenses or outgoings in relation to that activity and reimburse the State Government or any agency to be appointed by the State Government, as the case may be, as and when such demand of expenses is submitted.

9. We appreciate the fair stand taken by the Authority and its commitment of taking the financial burden with regard to this additional arrangement to ensure conduct of free and fair examinations at the respective examination centres, particularly, in the State of Madhya Pradesh.

10. We have no manner of doubt, that resorting to the mechanism of contemporaneous scanning and securing the image of OMR sheets of respective candidates Centre wise will completely rule out the possibility of tampering the same at a later stage before declaration of results. That will also instill confidence in public about the examination process which is the need of the hour, keeping in mind the contemporary situation unfolding with regard to the

examinations conducted by the other Agencies in the State of Madhya Pradesh, in the recent past.

11. The counsel appearing for the AFRC submits that necessary cooperation and coordination will be done with the Agency nominated by the Authority for holding the examinations at the respective examination centres within the State of Madhya Pradesh. Even the Authority (APDMC) through counsel has assured that whatever assistance is offered by the State Government or Agency appointed by the State Government, will be availed without any hesitation and necessary coordination between the different Agencies will be done and instructions will be issued to all concerned to ensure that there is full coordination between all the Agencies on the day of examination so that the process of scanning of answer-sheets contemporaneously after the examination is over; and to seal the answer sheets for submitting it to the appropriate Authority for further action and declaration of results.

12. The scanned data (soft copy) of the respective examination centres (candidate-wise) shall be preserved by the Secretary of AFRC but also by the President of Authority (APDMC) and one set by the Principal Secretary, Home (Police) or Medical Education

Department, Govt. of M.P.

13. Needless to observe that before declaring the results of the examination, the Appropriate Authorities (officials) must verify the position on case to case basis with reference to the data contained in the soft copy secured on the day of examination.

14. The main writ petition may now proceed for hearing on **18th August, 2015.**

15. Issue notice to the newly added respondents. Returnable on 5th August, 2015. Reply-affidavit, if any, be filed before 7th August, 2015. Rejoinder on or before 14th August, 2015.

C.C. today.

(A.M. Khanwilkar)
Chief Justice

(K.K. Trivedi)
Judge